

Appendix A

United States Court of Appeals for the Fifth Circuit
Unpublished Opinion, *Giaccio v. Lyon*, No. 25-10861 (Dec. 30, 2025)

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

December 30, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 25-10861 Giaccio v. Lyon
USDC No. 3:24-CV-3005
- USDC No. 3:24-CV-3005 -

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 39, 40, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you **MUST** confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Casey A. Sullivan, Deputy Clerk

Enclosure(s)

Ms. Huong Gilmer Giaccio

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

September 18, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-10861 Giaccio v. Lyon
USDC No. 3:24-CV-3005

The court has consolidated case No. 25-10861 with case No. 25-10952 due to appealing the same judgment.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Casey A. Sullivan, Deputy Clerk
504-310-7642

Mr. Huong Gilmer Giaccio
Ms. Karen S. Mitchell

United States Court of Appeals
for the Fifth Circuit

No. 25-10861
CONSOLIDATED WITH
No. 25-10952

United States Court of Appeals
Fifth Circuit

FILED
December 30, 2025

Lyle W. Cayce
Clerk

HUONG GILMER GIACCIO,

Plaintiff—Appellant,

versus

MEREDITH LYON; CHRISTOPHER CASTRO; FABIAN MELO;
DAIMON HAIL,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CV-3005
USDC No. 3:24-CV-3005

UNPUBLISHED ORDER

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that Appellant's motion to exempt all PACER fees associated with account No. 8158373 and for the duration of appeal case Nos. 25-11107, 25-10861, and 25-10952 is GRANTED.

No. 25-10861
c/w No. 25-10952

IT IS FURTHER ORDERED that Appellant's motion to order PACER Service Center not to suspend Appellant's access while indigency motions are pending is DENIED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

December 30, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-10861 Giaccio v. Lyon
USDC No. 3:24-CV-3005
USDC No. 3:24-CV-3005

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Casey A. Sullivan, Deputy Clerk
504-310-7642

Ms. Huong Gilmer Giaccio

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 19, 2025

Lyle W. Cayce
Clerk

No. 25-10861

HUONG GILMER GIACCIO,

Plaintiff—Appellant,

versus

MEREDITH LYON; CHRISTOPHER CASTRO; FABIAN MELO;
DAIMON HAIL,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CV-3005

UNPUBLISHED ORDER

Before JONES, RICHMAN, and RAMIREZ, *Circuit Judges.*

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this civil rights case, Plaintiff filed a *pro se* notice of appeal from the magistrate judge's July 18, 2025 report and recommendation to dismiss the case.

“Federal appellate courts have jurisdiction over appeals only from (1) a final decision under 28 U.S.C. § 1291; (2) a decision that is deemed final due to jurisprudential exception or that has been properly certified as final pursuant to FED. R. CIV. P. 54(b); and (3) interlocutory orders that fall into specific classes, 28 U.S.C. § 1292(a), or that have been properly certified for appeal by the district court, 28 U.S.C. § 1292(b).” *Askanase v. Livingwell, Inc.*, 981 F.2d 807, 809-10 (5th Cir. 1993). The report and recommendation of a magistrate judge is not a final order, and it does not fall into any of the other categories that would make it appealable. *See United States v. Cooper*, 135 F.3d 960, 961 (5th Cir. 1998). Moreover, although the district court subsequently adopted the report and recommendation, the present notice of appeal is not effective for purposes of appealing that judgment. *Id.* at 962 (“[T]he recommendation of a magistrate judge is not a final decision and does not in any way dispose of a party’s claims.”).

Accordingly, the appeal is DISMISSED for want of jurisdiction.
All pending motions are DENIED.

United States Court of Appeals
for the Fifth Circuit

No. 25-10861
CONSOLIDATED WITH
No. 25-10952

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2025

Lyle W. Cayce
Clerk

HUONG GILMER GIACCIO,

Plaintiff—Appellant,

versus

MEREDITH LYON; CHRISTOPHER CASTRO; FABIAN MELO;
DAIMON HAIL,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC Nos. 3:24-CV-3005, 3:24-CV-3005

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Plaintiff Huong Gilmer Giaccio filed a complaint in federal district court against four defendants: Carrollton Municipal Judges Meredith Lyon and Christopher Castro, Assistant City Attorney Fabian Melo, and City Marshal Daimon Hail. Giaccio brought a myriad of claims under 42 U.S.C.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

25-10861
c/w No. 25-10952

§ 1983, alleging that city officials violated her constitutional rights under the First, Fourth, Eighth, and Fourteenth Amendments. The magistrate judge recommended dismissing Giaccio's claims against Judge Lyon, Judge Castro, and Melo for lack of jurisdiction. The magistrate judge recommended dismissing Giaccio's claims against Hail under 28 U.S.C. § 1915(e)(2) for failure to state a claim. The district court adopted the magistrate judge's findings, conclusions, and recommendations. After reviewing Giaccio's brief and the record, we find no reversible error. AFFIRMED.

Appendix B

United States Court of Appeals for the Fifth Circuit
Judgment and Mandate, *Giaccio v. Lyon*, No. 25-10861 (issued Jan. 20, 2026)

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HUONG GILMER GIACCIO,

Plaintiff,

V.

MEREDITH LYON, ET AL.,

Defendants.

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No. 3:24-cv-3005-E

JUDGMENT

This action came on for consideration by the Court, and the issues having been duly considered and a decision duly rendered, it is ORDERED, ADJUDGED, and DECREED that the complaint is DISMISSED WITH PREJUDICE as to Defendant Daimon Hail and DISMISSED as barred by immunity as to all other defendants. Any and all pending motions seeking to amend, injunctive relief, or any other relief are DENIED.

Further, the Court directs that any future filings in this case be docketed as notices. This is a final judgment. *See* Fed. R. Civ. P. 54; Fed. R. Civ. P. 58.

SIGNED this 5th day of August, 2025.



ADA BROWN
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION

HUONG GILMER GIACCIO,

Plaintiff,

V.

MEREDITH LYON, et al.,

Defendants.

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Exhibit 79

Civil Action No.

3:24-cv-03005-E-BN

EMERGENCY MOTION FOR TEMPORARY INJUNCTION AND PROTECTIVE ORDER

TO THE HONORABLE JUDGE OF THE COURT:

NOW COMES Plaintiff, **HUONG GILMER GIACCIO**, pro se, and respectfully files this Emergency Motion pursuant to **Rule 65** of the **Federal Rules of Civil Procedure**, seeking an immediate **Temporary Injunction** and **Protective Order** to prevent further unlawful arrests, harassment, and retaliation by **City of Carrollton** officials and employees while Plaintiff's appeal is pending.

1. Plaintiff has now been arrested **three times** without a warrant, most recently on **July 9, 2025**, by Marshal **Daimon Hail**. The officer verbally admitted on video that **he had no warrant**. The arrest was made in **retaliation** for Plaintiff's prior filings and community complaints.

2. Plaintiff has presented substantial evidence in support of her claims, including video recordings, jail documents, and voice confirmations showing repeated abuse of authority and denial of civil rights.

3. Plaintiff is at immediate risk of another **unlawful arrest** or **seizure**. City officials continue to retaliate through **false citations, code enforcement visits, and coercive collection practices**.

4. Plaintiff is likely to succeed on the merits of her appeal and suffers irreparable harm with each violation of her liberty, privacy, and due process rights. Monetary compensation alone cannot remedy the ongoing trauma and intimidation.

5. Plaintiff therefore requests that the Court issue a temporary **injunction restraining Defendants** and their agents from arresting or detaining Plaintiff **without a valid warrant** signed by a neutral magistrate, and to **cease**

WHEREFORE, Plaintiff respectfully requests that this Court **GRANT** this **Emergency Motion** and issue an immediate **Temporary Injunction** and **Protective Order** as outlined above.

Respectfully submitted,

DATED: July 22, 2025

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, **Huong Gilmer Giaccio**, hereby certify that a true and correct copy of this motion was served on all parties via electronic filing (CM/ECF) and E-Served on July 22, 2025.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION

HUONG GILMER GIACCIO,

Plaintiff,

V.

MEREDITH LYON, et al.,

Defendants.

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Exhibit 80

Civil Action No.

3:24-cv-03005-E-BN

AFFIDAVIT OF HUONG GILMER GIACCIO IN SUPPORT OF EMERGENCY INJUNCTION

BEFORE ME, the undersigned authority, personally appeared Huong Gilmer Giaccio, who, being duly sworn, deposed and stated under oath as follows:

1. My name is **Huong Gilmer Giaccio**. I am the Plaintiff in this case, residing at 3719 Kelly Blvd, Carrollton, Texas. I am over the age of 18 and fully competent to make this affidavit.
2. I have been arrested unlawfully three times by City of Carrollton officers **without any warrant or probable cause**. The most recent arrest occurred on **July 9, 2025**, by **Marshal Daimon Hail**.
3. During that incident, he verbally admitted on video that he had **no warrant**. He confirmed twice that there was **no warrant**, then placed me in **handcuffs** and transported me to jail.
4. I was **released** on July 10, 2025. No **warrant** or **charges** were ever presented to me during or after my time in custody.
5. Each of the three **arrests** was carried out **without judicial authorization**. These actions were done in **retaliation** for my legal filings and complaints against city officials.
6. I have submitted **recordings, videos, and jail documents** that show the complete absence of legal basis for these arrests and demonstrate a pattern of **abuse of authority**.
7. I have also been subjected to ongoing **harassment**, including repeated **code enforcement visits, citations, and collection threats**, despite having already requested relief in court.
8. I am afraid that another **unlawful arrest** could happen at any time. These actions have caused me severe

9. I respectfully request that the Court consider this sworn affidavit as evidence of repeated **violations of my civil rights**, and take immediate action to prevent further **retaliation or harm**.

10. I declare under **penalty of perjury** that the facts stated in this affidavit are true and correct.

Respectfully submitted,

Executed on July 22, 2025.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, Huong Gilmer Giaccio, hereby certify that a true and correct copy of this "AFFIDAVIT OF HUONG GILMER GIACCIO IN SUPPORT OF EMERGENCY INJUNCTION" was served on all parties via electronic filing (CM/ECF) and E-Served on July 22, 2025.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

INTERNAL AFFAIRS COMPLAINT PACKET

Exhibit 87

From:
Huong Gilmer Giaccio
3719 Kelly Blvd, Carrollton, TX 75007
Phone: 945-546-0934
Email: hgfive@yahoo.com

To:
Carrollton Police Department
Attn: Internal Affairs Division
2025 E. Jackson Rd.
Carrollton, TX 75006
Email: policeadmin@cityofcarrollton.com

Date: July 22, 2025

1. Cover Sheet

INTERNAL AFFAIRS COMPLAINT SUBMISSION

Complainant: Huong Gilmer Giaccio

Against: Marshal Daimon Hail, Judges Meredith Lyon and Christopher Castro, Prosecutor Fabian Melo, and Carrollton Code Enforcement Officials

Nature of Complaint: Warrantless Arrests, Retaliation, Abuse of Authority, Color of Law Violations

Date Submitted: July 22, 2025

Federal Case No: 3:24-cv-03005-E-BN

DOJ Reference: 639678-VHK

Requested Action: Internal Investigation and Written Response

Attachments: Formal Complaint Letter, Affidavit, IA Form, Supporting Evidence

2. Formal Complaint Letter

[Attached – Formal Complaint Letter describing three unlawful arrests, retaliation, and abuse of authority.]

3. Affidavit of Arrests and Retaliation

[Attached – Sworn affidavit describing unlawful arrests on 9/30/24, 10/28/24, and 7/9/25.]

4. Completed Internal Affairs Complaint Form

Complainant: Huong Gilmer Giaccio

Phone: 945-546-0934 | Email: hgfive@yahoo.com

Incident Dates:

- September 30, 2024
- October 28, 2024
- July 9, 2025

Locations:

- Carrollton Municipal Court
- 3719 Kelly Blvd, Carrollton
- Public street in Carrollton, TX

- Marshal Daimon Hail
- Judge Meredith Lyon
- Judge Christopher Castro
- Prosecutor Fabian Melo
- Officers Ray Davis, Hector Romero, Tim Roush

Nature of Complaint:

- Unlawful Arrest
- Excessive Use of Authority
- Retaliation
- Abuse Under Color of Law
- Violation of Civil Rights
- Failure to Provide Warrant
- Harassment

Summary: Three arrests without a warrant. Marshal Hail confirmed on audio/video no warrant existed. Pattern of retaliation, abuse, and unlawful jailing after legal filings. DOJ Ref No. 639678-VHK. Federal Case No. 3:24-cv-03005-E-BN.

5. Supporting Evidence (List of Attachments)

Exhibits A–F (Audio/Video Recordings):

- Arrest in Court (9/30/24)
- B. Judge calling Hail to arrest (10/28/24)
- C. Hail: “No warrant, you’ll see it in jail”
- D. Jail release and refusal to show warrant
- E. Conversation requesting copy of warrant
- F. Courtroom recording: Request for community service

Other Attachments:

- Emergency Motion for Injunction
- Affidavit of Arrests and Retaliation
- Submission Summary Sheet
- DOJ and FBI filing confirmations

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

HUONG GILMER GIACCIO

Plaintiff–Appellant,

Exhibit 92

v.

MEREDITH LYON, CHRISTOPHER CASTRO, FABIAN MELO, DAIMON HAIL,

Defendants–Appellees.

Case No. [Appeal Number Pending]

On Appeal from U.S. District Court, N.D. Tex. Case No. **3:24-cv-03005-E-BN**

EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL

Pursuant to Federal Rule of Appellate Procedure 8(a)(2)

TO THE HONORABLE JUDGES OF THE FIFTH CIRCUIT:

Appellant **Huong Gilmer Giaccio**, proceeding pro se, respectfully files this Emergency Motion requesting the Court to issue an **injunction pending appeal to immediately prevent further unlawful arrests, retaliatory citations, and ongoing abuse of power** by the City of Carrollton and its agents.

I. RELIEF REQUESTED

Appellant seeks an injunction ordering that:

1. Marshal **Daimon Hail** and other officials be **prohibited from arresting Appellant without legal cause or a warrant**, unless supported by probable cause and reviewed by a neutral magistrate.
2. The **City of Carrollton** be **prohibited from mailing to her home further retaliatory code citations without violation evidence on her residence home at 3719 Kelly Blvd** while the appeal is pending.
3. All related municipal enforcement actions be temporarily **suspended** to prevent irreparable harm.

II. STANDARD FOR INJUNCTION PENDING APPEAL

Under *Hilton v. Braunskill*, 481 U.S. 770 (1987), and *Nken v. Holder*, 556 U.S. 418 (2009), the court considers:

1. Likelihood of success on the merits
2. Irreparable harm if the injunction is denied
3. Balance of harms
4. Public interest

III. ARGUMENT

A. Likelihood of Success

Appellant's claims under 42 U.S.C. § 1983 include:

- **Three unlawful arrests without a warrant** (Sept 30, Oct 28, 2024, and July 9, 2025)
- **Recorded admission by Marshal Daimon Hail** that he had no warrant
- **Pattern of retaliation** for filing legal complaints and lawsuits
- **Denial of due process** in municipal court proceedings

These violations of the **Fourth, First, and Fourteenth Amendments** are documented and pending before this Court.

B. Irreparable Harm

Appellant has already suffered:

- **Three unlawful arrests**
- **Multiple threats of incarceration and fines**
- **Ongoing fear, anxiety, and emotional distress**
- **Loss of liberty, privacy, and property rights**

Without an injunction, further **irreparable harm** is imminent.

C. Balance of Harms

The **harm to Appellant**—loss of liberty and basic constitutional rights—far outweighs any inconvenience to city officials from obeying the Constitution.

D. Public Interest

The public interest favors **upholding constitutional protections** and ensuring **government accountability**.

IV. CERTIFICATE OF COMPLIANCE & SERVICE

This Motion is respectfully submitted in good faith. A copy will be served on Defendants–Appellees.

V. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Court **issue an emergency injunction** to prevent further unlawful actions against her during the pendency of this appeal.

Respectfully submitted,

/s/ Huang Gilmer Giaccio

Huong Gilmer Giaccio

3719 Kelly Blvd

Carrollton, TX 75007

Phone: 945-546-0934, Email: hgfive@yahoo.com

DEPARTMENT OF JUSTICE SUBMISSION CONFIRMATION

In Support of Civil Rights Appeal – Giaccio v. Carrollton Officials

Complainant: Huong Gilmer Giaccio

Exhibit 95

Submission Date: July 11, 2025

DOJ Civil Rights Division Reference Number:639678-VHK

This confirmation relates to a formal civil rights complaint submitted by **Huong Gilmer Giaccio** to the **United States Department of Justice, Civil Rights Division**. The complaint was filed via the **DOJ Civil Rights** online portal on **July 11, 2025**.

The complaint described multiple **warrantless arrests, retaliation for legal activity**, and a **pattern of abuse of authority** by **City of Carrollton officials**, including Marshal **Daimon Hail** and others. Supporting documents, including an Emergency Motion for Injunction, Affidavit of Arrests and Retaliation, and a complete Exhibit List, were submitted to the DOJ as part of this filing.

The reference number assigned by the **Civil Rights Division** is **639678-VHK**. This submission is now part of the record in support of Appellant's federal appeal before the Fifth Circuit.

Respectfully submitted,

/s/ *Huong Gilmer Giaccio*

Huong Gilmer Giaccio

3719 Kelly Blvd

Carrollton, TX 75007

Phone: 945-546-0934

Email: hgfive@yahoo.com

Appendix D

United States District Court
Magistrate Judge's Findings, Conclusions, and Recommendation,
Giaccio v. Lyon, No. 3:24-cv-03005-E-BN

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Exhibit 30

HUONG GILMER GIACCIO,

Plaintiff,

V.

MEREDITH LYON, ET AL.,

Defendants.

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No. 3:24-cv-3005-E-BN

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Huong Gilmer Giaccio, proceeding *pro se*, filed this civil rights lawsuit against municipal judges and employees of the City of Carrollton. *See* Dkt. No. 3. United States District Judge Ada Brown referred this action to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b) and a standing order of reference.

On June 24, 2025, the undersigned entered findings of fact, conclusions of law, and recommendation (“Initial FCR”) that the Court *sua sponte* dismiss the complaint. *See* Dkt. No. 27.

Giaccio filed objections. *See* Dkt. No 28. And she filed her one amended complaint as a matter of course. *See* Dkt. No. 29. The undersigned entered supplemental findings of fact, conclusions of law, and recommendation (“Supplemental FCR”) recommending that the amended complaint be dismissed for the same reasons set out in the Initial FCR. *See* Dkt. No. 183.

Giaccio then filed a motion seeking leave to amend and a motion to amend the

damages and relief statement in the complaint. *See* Dkt. Nos. 197, 198, 204. And the undersigned enters these findings of fact, conclusions of law, and recommendation that the Court should deny the motions for leave to amend as futile.

Discussion

Rule 15(a) requires that leave to amend be granted freely “when justice so requires.” FED. R. CIV. P. 15(a)(2). And, because this rule provides a “strong presumption in favor of granting leave to amend,” *Fin. Acquisition Partners, LP v. Blackwell*, 440 F.3d 278, 291 (5th Cir. 2006), the Court must do so “unless there is a substantial reason to deny leave to amend,” *Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 598 (5th Cir. 1981).

One such reason is futility: “If the [pleading], as amended, would be subject to dismissal, then amendment is futile and the district court [is] within its discretion to deny leave to amend.” *Martinez v. Nueces Cnty., Tex.*, 71 F.4th 385, 391 (5th Cir. 2023) (quoting *Ariyan, Inc. v. Sewage & Water Bd. of New Orleans*, 29 F.4th 226, 229 (5th Cir. 2022)).

The futility analysis “mimics that of a motion to dismiss.” *Id.* So, in a civil case, “the court must determine whether the plaintiff has pleaded ‘factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged’ such that he has “state[d] a claim to relief that is plausible on its face.”” *Id.* at 388-89 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting, in turn, *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007))).

Both of Giaccio’s motions to amend were filed on the same day. Neither

attaches a proposed second amended complaint, but they set out the purported bases for amending. Most of the allegations are not new or significantly different from the allegations addressed in the Initial FCR and the Supplemental FCR and do not affect the analyses or recommendations.

Giaccio does allege that she was arrested for a third time on July 9, 2025. Her allegations contradictorily state both that she was arrested without a warrant and that she was informed that she had 45 pending warrants. *See* Dkt. No. 197 at 1, 2. As with the allegations relating to her prior arrests, Giaccio's allegations do not state a claim for relief against Hail. And nothing in the motions for leave to amend affects the undersigned's prior recommendations that claims against the other defendants are barred by judicial or prosecutorial immunity.

For these reasons and the reasons set out in the Initial FCR and the Supplemental FCR, the motions for leave to amend [Dkt. Nos. 197, 198, 204] should be denied as futile.

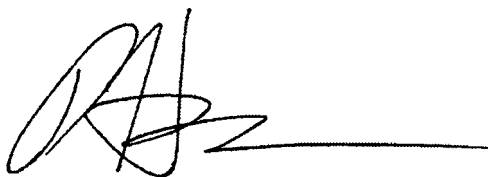
Recommendation

The Court should deny Giaccio's motions for leave to amend [Dkt. Nos. 197, 198, 204]. Further, after dismissing the case as recommended in the Initial FCR and the Supplemental FCR, the Court should enter an order directing that any future filings in this case be docketed as notices.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections

within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

DATED: July 18, 2025

A handwritten signature in black ink, appearing to read 'D. Horan', with a long horizontal line extending to the right.

DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE

Exhibit 65

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

**PLAINTIFF’S OBJECTIONS TO THE JULY 18, 2025
FINDINGS AND RECOMMENDATION**

TO THE HONORABLE JUDGE:

NOW COMES Plaintiff, Huong Gilmer Giaccio, pro se, and respectfully files these written objections pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b) in response to the Magistrate Judge’s Findings, Conclusions, and Recommendation dated July 18, 2025, which recommends dismissal of Plaintiff’s case.

**I. OBJECTION TO DISMISSAL BASED ON MISCHARACTERIZATION
OF FACTS AND FAILURE TO REVIEW EVIDENCE**

The Magistrate Judge **failed to consider material evidence** submitted in support of Plaintiff’s claims, including **video recordings, arrest records, court filings, and sworn affidavits** documenting:

- **Three unlawful arrests** without a warrant (including the arrest on **July 9, 2025**, recorded on video and acknowledged by Marshal Daimon Hail as lacking a warrant);
- **Over 70 repeated, unlawful citations** for non-existent code violations (e.g., curtain permits);
- Retaliatory fines totaling **\$19,069.00**, issued without evidence and after Plaintiff completed **187 hours of community service**, which was timely submitted;
- Prosecutorial abuse and **judicial retaliation**, including the rejection of community service and threats of indefinite incarceration.

II. OBJECTION TO RECOMMENDATION OF IMMUNITY AND DISMISSAL WITH PREJUDICE

The Recommendation improperly applies **judicial and prosecutorial immunity** without addressing:

- **42 U.S.C. § 1983** claims of **retaliation** and **deprivation of civil rights** under color of law;
- Violations of Plaintiff's **First Amendment right to petition, Fourteenth Amendment due process, and Eighth Amendment protection** against excessive fines and cruel punishment;
- Misconduct that occurred **outside the scope of judicial function**, including unlawful orders, personal involvement in arrests, and denial of motions without review.

III. REQUEST FOR RECONSIDERATION AND REASSIGNMENT

Plaintiff respectfully requests that this Court:

- 1. Reject the July 18, 2025, Recommendation** in its entirety;
- 2. Allow Plaintiff to amend her complaint**

to include newly developed evidence and facts following the July 9, 2025 arrest;

- 3. Reconsider the denial of Plaintiff's motions**, including:

- **Motion to Compel Production of Documents;**
- **Motion to Request Community Service;**
- **Emergency Motion to Suppress and Prevent Further Retaliation;**

- 4. Transfer the case to a different Article III Judge** for impartial adjudication, given the ongoing failure to address Plaintiff's filings and evidence.

IV. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that this Court:

- **Sustain these Objections;**
- **Reject the July 18, 2025 Findings and Recommendation;**
- **Grant Plaintiff leave to proceed with her claims;**
- **Enter such other and further relief as may be just and proper in law and equity.**

Executed this 18th, day of July 2025.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, **Huong Gilmer Giaccio**, hereby certify that a true and correct copy of the foregoing document titled:

“PLAINTIFF’S OBJECTIONS TO THE JULY 18, 2025, FINDINGS AND RECOMMENDATION”

along with all supporting exhibits and related motions, was properly served and filed on this 18th day of July, 2025, as follows:

- **Filed via PACER with the United States District Court for the Northern District of Texas, Case No. 3:24-cv-03005-E-BN.**
- **Served upon all parties and counsel of record via electronic case filing (ECF) system.**

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: **Huong Gilmer Giaccio**

Part 1: OBJECTION TO FINDINGS AND RECOMMENDATIONS

Exhibit 53

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

PLAINTIFF’S OBJECTION TO FINDINGS AND RECOMMENDATIONS

(Dated **June 24, 2025**, and **July 8, 2025**)

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Plaintiff, **HUONG GILMER GIACCIO**, pro se, and respectfully files this **Objection** to the **Findings and Recommendations** of the U.S. Magistrate Judge dated **June 24, 2025**, and **July 8, 2025**, and shows the Court the following:

I. INTRODUCTION

Plaintiff **objects in full** to the Magistrate Judge’s recommendation that this case be dismissed, particularly:

- **With prejudice** against **Marshal Daimon Hail**, who conducted **warrantless arrests** and acted **outside judicial immunity**;
- And on grounds of **judicial or prosecutorial immunity** for **Judge Meredith Lyon**, **Judge Christopher Castro**, and **Prosecutor Fabian Melo**, who engaged in **retaliatory, excessive, and unconstitutional conduct**.

II. SUMMARY OF OBJECTIONS

1. Unlawful Arrest Ignored: The Court failed to acknowledge **undisputed audio and video evidence** from **July 9, 2025**, where **Marshal Daimon Hail** admitted on record that he **had no warrant** and still arrested Plaintiff. This **third arrest** occurred in retaliation after Plaintiff filed objections in this case.

2. Qualified Immunity Misapplied: Daimon Hail does not qualify for immunity. He was **not executing a valid warrant**, nor acting under a judicial directive. He made a **personal decision** to detain Plaintiff in violation of her **Fourth Amendment rights**.

3. Retaliation Overlooked: The Court ignored a clear timeline of **retaliation** following Plaintiff's protected activity under the **First Amendment** - including filing this lawsuit and community service motions.

4. No Review of Evidence: The Court never referenced the **audio recordings, certified jail documents, booking slips, or motion records** submitted by Plaintiff. Factual allegations were accepted from Defendants but **none of Plaintiff's evidence was acknowledged**.

III. LEGAL SUPPORT FOR OBJECTION

Plaintiff relies on:

- **42 U.S.C. § 1983** – Retaliation and deprivation of rights under color of law
- **First Amendment** – Right to petition and protection from retaliation
- **Fourth Amendment** – Protection against unreasonable seizures
- **Eighth Amendment** – Protection from excessive fines and punishment
- **Fourteenth Amendment** – Due process and equal protection

IV. REQUEST FOR RELIEF

Plaintiff respectfully requests that the District Court:

- 1. Reject** the recommendation to dismiss the claims against **Daimon Hail** and allow them to proceed;
- 2. Vacate** or **stay** any finding of immunity that shields retaliatory and unlawful conduct;
- 3. Acknowledge** and **review** the evidence submitted by Plaintiff, including:
 - Arrest footage
 - Audio confirming warrantless detention
 - Jail documents and citation history
 - Financial records showing hardship and coercion;
- 4. Grant leave** to amend Plaintiff's Complaint if necessary to include additional details and the **July 9, 2025**

Part 2: OBJECTION AND MOTION FOR RECONSIDERATION
(In response to the judge's Findings and Recommendations to dismiss my case.)

Exhibit 54

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

**PLAINTIFF'S OBJECTION AND MOTION FOR RECONSIDERATION OF
MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Plaintiff HUONG GILMER GIACCIO, pro se, and respectfully files this **Objection** pursuant to **Federal Rule of Civil Procedure 72(b)(2)** and **Motion for Reconsideration** of the Magistrate Judge's **Findings and Recommendations** dated **June 24, 2025**, and **July 8, 2025**, recommending dismissal of Plaintiff's claims. Plaintiff states as follows:

I. OBJECTIONS TO THE FINDINGS AND RECOMMENDATIONS

1. Evidence Not Reviewed:

The Magistrate Judge issued recommendations to dismiss this case **without reviewing over 100 exhibits**, including **certified jail documents, video and audio evidence**, and **proof of unlawful arrest without warrant** on **September 30, 2024, October 28, 2024, and July 9, 2025**.

2. Improper Immunity Grant:

The recommendation improperly applies **judicial and prosecutorial immunity** to shield **criminal actions**, including:

- **Warrantless arrests**

- **Fabricated citations**
- **Threats of indefinite detention for unpaid fines**
- **Misuse of court to punish protected activity**

3. Retaliatory Arrest Not Addressed:

Plaintiff was arrested **one day after serving objections and motions** in this civil case. The Magistrate failed to address **retaliation**, a violation of **First Amendment** rights to petition the government.

4. Mischaracterization of Plaintiff's Claims:

The recommendation narrowly frames Plaintiff's claims as disagreement with city enforcement, but **ignores the constitutional violations**, including:

- **Unlawful searches and entries**
- **Abuse of process**
- **Coerced fines under threat of jail**

II. LEGAL BASIS FOR RECONSIDERATION

Plaintiff respectfully invokes the following authorities:

- **Federal Rule of Civil Procedure 72(b)(2)** – Right to object to magistrate's findings.
- **42 U.S.C. § 1983** – Civil action for deprivation of constitutional rights.
- **Texas Government Code § 133.103**
- **First Amendment** – Retaliation for petitioning government.
- **Fourth Amendment** – Protection against warrantless arrest.
- **Fourteenth Amendment** – Due process violations.
- **Eighth Amendment** – Excessive fines and cruel punishment.

III. REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. **REJECT the Magistrate Judge's Findings and Recommendations** to dismiss this action;
2. **REVIEW all exhibits**, including audio/video files and jail documentation proving misconduct;

4. **Schedule an evidentiary hearing** or permit supplemental briefings;

5. **Grant any further relief** that justice and equity may require.

Executed this 16th, day of July 2025.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio
3719 Kelly Blvd, Carrollton, TX 75007
Phone: 945-546-0934.
Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, **Huong Gilmer Giaccio**, hereby certify that a true and correct copy of the foregoing instrument was served on the parties listed below by the methods indicated. Via **E-Served** and **Personal Delivery File in** on this 16th, day of July 2025, upon the following documents:

- **Plaintiff's Emergency Motion and Affidavit Regarding Third Unlawful Arrest on July 9, 2025**
- **Plaintiff's Motion to Request Community Service**
- **Objection to Dismissal and Retaliation Notice**
- **Motion to Request Judicial Reassignment**
- **Motion to Amend Damages and Relief Statement**
- **Exhibit Index and Attachments**

1. Carrollton Municipal Court

2001 E. Jackson Road
Carrollton, Texas 75006
(Delivered file in person)

2. United States District Court – Northern District of Texas

1100 Commerce Street
Dallas, Texas 75242
(Submitted via PACER electronic filing)

3. City of Carrollton Collections Department

2001 E. Jackson Road
Carrollton, Texas 75006
(Delivered file in person)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: **Huong Gilmer Giaccio**
3719 Kelly Blvd, Carrollton, TX 75007
Phone: 945-546-0934, hgfive@yahoo.com

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

Exhibit 40

HUONG GILMER GIACCIO,
Plaintiff,

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3:24-cv-03005-E-BN

v.

MEREDITH LYON, ET AL.,
Defendants.

Referred to U.S. Magistrate Judge

PLAINTIFF’S OBJECTIONS TO THE FINDINGS, CONCLUSIONS,
AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE
AND MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW Plaintiff, HUONG GILMER GIACCIO, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, and respectfully submits the following objections to the Magistrate Judge’s Findings, Conclusions, and Recommendation ("FCR") filed on June 24, 2025, and moves for leave to file an amended complaint.

I. OBJECTIONS TO THE FINDINGS AND RECOMMENDATION

A. Judicial Immunity Should Not Apply

1. Plaintiff objects to the recommendation that claims against Judges Meredith Lyon and Christopher Castro be dismissed due to judicial immunity.
2. These Defendants acted outside the bounds of their judicial capacity by:
 - Denying appeals without consideration,
 - Refusing to hear motions to set aside coerced no-contest pleas,
 - Ignoring community service eligibility based on financial hardship,
 - Presiding over trials despite the absence of jurisdiction or valid citations.
3. Plaintiff respectfully asserts these actions exceed judicial function and fall outside the scope of judicial immunity.

B. Prosecutorial Immunity Misapplied

4. Plaintiff objects to dismissal of claims against Assistant City Attorney Fabian Melo.

5. Defendant Melo coerced Plaintiff into signing no-contest pleas through threats of contempt of court, despite Plaintiff's limited English proficiency and inability to comprehend the proceedings.
6. Defendant Melo submitted false and hearsay evidence and participated in actions that were administrative, coercive, and retaliatory rather than prosecutorial.

C. Wrongful Arrests by Marshal Daimon Hail

7. Plaintiff was arrested by Defendant Hail on September 30 and October 28, 2024, without any warrant being presented at the time, in violation of due process.
8. Plaintiff had submitted timely and complete documentation for community service, as permitted by the court's judgment.
9. The referenced "warrants" in the Magistrate's FCR do not reflect valid legal basis for custodial arrest under the circumstances and fail to justify the treatment of Plaintiff at the hearing.

D. Due Process and Fourth Amendment Violations

10. Plaintiff objects to the finding that her claims lack subject-matter jurisdiction. Plaintiff asserts violations of federal constitutional rights under:
 - The Fourth Amendment (unlawful entry into her home without a warrant or consent),
 - The Fourteenth Amendment (deprivation of liberty and property without due process), and
 - 42 U.S.C. § 1983 (civil rights violations by state actors).
11. The City of Carrollton officers entered Plaintiff's home on multiple occasions without a warrant and issued more than 50 duplicative and baseless citations for alleged building violations where no construction existed.
12. Plaintiff was denied a fair trial, not allowed to present exculpatory evidence, and subjected to false testimony and manufactured evidence by officials.

II. MOTION FOR LEAVE TO AMEND COMPLAINT

13. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiff respectfully moves the Court for leave to amend her complaint.

14. Plaintiff will clarify the constitutional and factual basis for her claims, identify acts that fall outside the protections of judicial and prosecutorial immunity, and include additional supporting exhibits (videos, transcripts, photos).
15. Plaintiff has substantial new evidence including certified court transcripts, security camera footage, and written communications proving the misconduct, perjury, illegal entry, and lack of due process described in her original complaint.
16. Amendment would not be futile and would assist the Court in resolving serious civil rights violations supported by admissible evidence.
17. Plaintiff requests:
 - Compensatory damages of \$1,000,000,
 - Punitive damages as the Court sees fit,
 - Declaratory judgment that her constitutional rights were violated,
 - Injunctive relief barring further unlawful enforcement actions,

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Reject the Magistrate Judge's recommendation to dismiss Plaintiff's claims;
2. Grant Plaintiff leave to file an amended complaint;
3. Allow Plaintiff to submit additional exhibits and clarify factual claims;
4. Schedule a hearing on the constitutional violations described;
5. Grant all such other and further relief as may be just and proper.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007, Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was E-Served on this 6th day of July 2025, upon the following:

MEREDITH LYON, ET AL., Defendants.

City of Carrollton Municipal Court

2001 E Jackson Rd, Carrollton, TX 75006.

Phone: 972-466-3348

/s/ Huong Gilmer Giaccio

Pro Se Plaintiff: **Huong Gilmer Giaccio**

Part 9: Plaintiff's Supplemental Notice of Judicial Misconduct and Motion to Preserve Federal Record

Exhibit 61

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

**PLAINTIFF'S SUPPLEMENTAL NOTICE OF JUDICIAL MISCONDUCT
AND MOTION TO PRESERVE FEDERAL RECORD**

TO THE HONORABLE JUDGE:

NOW COMES Plaintiff, **Huong Gilmer Giaccio**, pro se, and respectfully submits this **Supplemental Notice of Judicial Misconduct**, and respectfully moves the Court to **preserve all records**, including documents, filings, and digital recordings related to this case and Plaintiff's prior motions.

I. NOTICE OF JUDICIAL MISCONDUCT

Plaintiff hereby gives **formal notice** of the following concerns regarding **judicial misconduct**:

1. Failure to review or acknowledge Plaintiff's evidence, including:

- Multiple **video recordings** of unlawful arrests without warrant;
- Jail documents showing **release to pay fine** with no due process;
- Documents, transcripts, and sworn statements of **coercion and retaliation**.

2. The **Court has twice recommended dismissal with prejudice** without conducting any hearing or full review of evidence—including exhibits served through PACER and certified mail.

3. Court's conduct suggests a **willful disregard of Plaintiff's constitutional claims** under:

- **42 U.S.C. § 1983**
- **First Amendment – Right to petition**

- **Fourteenth Amendment – Due process**
- **Eighth Amendment – Protection from excessive fines and cruel punishment**

4. This **dismissal without review** undermines faith in the judiciary and appears **retaliatory in nature**, following Plaintiff's complaints and motions for accountability.

II. MOTION TO PRESERVE THE FEDERAL RECORD

Plaintiff respectfully moves the Court to:

1. **Preserve and safeguard all PACER filings**, including video/audio files, jail records, motions, objections, and exhibits submitted by Plaintiff;
2. Ensure no **deletion or sealing** of documents without Plaintiff's notice and opportunity to object;
3. Allow Plaintiff the opportunity to **amend her complaint and re-submit evidence** in full if the Court determines a new complaint is needed;
4. Preserve communications, memos, or internal Court notes related to the denial of motions or dismissal recommendations under this case number;
5. Notify the **Fifth Circuit Court of Appeals or Judicial Conduct Committee** if allegations of misconduct rise to the level of formal complaint.

III. REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- **Acknowledge this Supplemental Notice of Judicial Misconduct;**
- **Preserve all filings, evidence, and exhibits** submitted by Plaintiff;
- **Allow Plaintiff to amend her complaint** or refile her evidence as necessary;
- **Prevent further judicial retaliation** and protect Plaintiff's constitutional rights;
- **Refer this matter** to the proper federal agency or **Judicial Council of the Fifth Circuit** for review, if necessary.

Executed this 16th, day of July 2025.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff: Huong Gilmer Giaccio

CERTIFICATE OF SERVICE

I, **Huong Gilmer Giaccio**, hereby certify that a true and correct copy of the foregoing instrument was served on the parties listed below by the methods indicated. Via **E-Served** on this 16th, day of July 2025 and **Personal Delivery File in**, upon the following:

1. Carrollton Municipal Court

2001 E. Jackson Road
Carrollton, Texas 75006 (Delivered file in person)

2. United States District Court – Northern District of Texas

1100 Commerce Street
Dallas, Texas 75242 (Submitted via PACER electronic filing)

3. City of Carrollton Collections Department

2001 E. Jackson Road
Carrollton, Texas 75006 (Delivered file in person)

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: **Huong Gilmer Giaccio**
3719 Kelly Blvd, Carrollton, TX 75007
Phone: 945-546-0934, hgfive@yahoo.com

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

HUONG GILMER GIACCIO,
Plaintiff,

v.

MEREDITH LYON, ET AL.,
Defendants.

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Exhibit 43

Civil Action No.

3:24-cv-03005-E-BN

PLAINTIFF’S MOTION TO SUPPRESS UNLAWFULLY OBTAINED EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, HUONG GILMER GIACCIO, respectfully files this Motion to Suppress under **Rule 12** of the **Federal Rules of Civil Procedure**, and states as follows:

1. Unlawful Investigation and Citation:

The citations issued against Plaintiff were based on improper investigations conducted by city code enforcement officers who entered Plaintiff’s property without consent, proper authority, or a valid warrant.

2. Improperly Introduced Evidence:

The Defendants presented hearsay, irrelevant, and fabricated evidence—such as false testimony and unsigned inspection reports—to support their citations and arrests.

3. Violation of Constitutional Rights:

The evidence was obtained in violation of Plaintiff’s Fourth and Fourteenth Amendment rights and must therefore be suppressed as “fruit of the poisonous tree.”

WHEREFORE, Plaintiff respectfully requests the Court to issue an order excluding all evidence obtained through improper search, unlawful citations, and false testimony.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007, Phone: 945-546-0934 | hgfive@yahoo.com

PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, HUONG GILMER GIACCIO, respectfully files this **Motion to Compel** pursuant to **Rule 37** of the **Federal Rules of Civil Procedure**, and in support thereof states:

1. Plaintiff served a discovery request upon Defendants seeking production of the following:

- All investigative reports, photographs, citations, inspection notes, and communications related to Plaintiff's property.
- Any documentation justifying entry into Plaintiff's property.
- All arrest records, search warrants (if any), and related correspondence.
- Any internal city policies or procedures regarding code enforcement.

2. Despite Plaintiff's formal requests, Defendants have failed to produce the requested documents, causing delay and prejudice to Plaintiff's ability to prepare her case.

3. Defendants have not provided valid objections or motions for protective order to justify withholding the requested materials.

WHEREFORE, Plaintiff respectfully requests that the Court order Defendants to produce the requested discovery materials and grant any relief deemed just and proper.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007, Phone: 945-546-0934 | hgfive@yahoo.com

PLAINTIFF'S MOTION TO REQUEST RELIEF

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, HUONG GILMER GIACCIO, pro se, and respectfully moves this Court to grant relief in light of the repeated unlawful actions taken by Defendants, and in support shows:

1. Defendants issued numerous criminal citations against Plaintiff without probable cause, valid inspections,

2. Defendants violated Plaintiff's constitutional rights under the Fourth, Fifth, and Fourteenth Amendments, and failed to accommodate Plaintiff's language limitations and ADA rights during hearings.

3. These violations have caused irreparable harm and unjust legal burdens to Plaintiff.

WHEREFORE, Plaintiff respectfully requests this Court:

- To dismiss the charges and citations based on unlawful investigations;
- To grant a protective order or other injunctive relief;
- To award costs and any other relief the Court deems fair and just.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Plaintiff, Pro Se Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934 | hgfive@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was E-Served on this 6th day of July 2025, upon the following:

Meredith Lyon, Et Al., Defendants.

City of Carrollton - Legal Department

1945 E. Jackson Road, Carrollton, TX 75006

Fabian Melo, City Attorney

Tim Roush, Hector Romero, Code Enforcement Officer

Ray Davis, City Superintendent

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff: Huong Gilmer Giaccio

Plaintiff's Motions to Court - Motion to Amend Complaint

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF TEXAS DALLAS DIVISION**

HUONG GILMER GIACCIO,
Plaintiff,

v.

MEREDITH LYON, ET AL.,
Defendants.

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Exhibit 44

Civil Action No.

3:24-cv-03005-E-BN

PLAINTIFF'S MOTION TO AMEND COMPLAINT

COMES NOW, Plaintiff Huong Gilmer Giaccio, pro se, and respectfully requests leave of Court to amend the complaint pursuant to **Rule 15** of the **Federal Rules of Civil Procedure**. Plaintiff seeks to add updated facts, clarify existing claims, and include additional parties relevant to ongoing misconduct. This amendment will promote justice and ensure the **full scope of wrongful actions is properly addressed**.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave to file the attached Amended Complaint.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Plaintiff, Pro Se Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

945-546-0934 | hgfive@yahoo.com

Motion to Review Improper Citations and Dismiss Charges

PLAINTIFF'S MOTION TO REVIEW IMPROPER CITATIONS AND DISMISS CHARGES

Plaintiff Huong Gilmer Giaccio respectfully moves this Court to review and dismiss all charges arising from improper citations issued by the City of Carrollton. These citations were based on unlawful investigations and lacked legal foundation.

Plaintiff asserts that code officers entered private property without warrants or consent and issued repeated citations without proper cause. The charges are unconstitutional, retaliatory, and should be dismissed in

WHEREFORE, Plaintiff prays that the Court dismiss all charges related to the citations as void and unlawful.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Motion for Court-Appointed Interpreter or ADA Assistance

PLAINTIFF'S MOTION FOR COURT-APPOINTED INTERPRETER OR ADA ASSISTANCE

COMES NOW Plaintiff Huong Gilmer Giaccio, who respectfully requests assistance under the Americans with Disabilities Act and relevant federal laws. Due to limited English proficiency and difficulty understanding legal terms, Plaintiff requests a court-appointed interpreter or appropriate ADA accommodation during all proceedings.

This support is necessary to ensure full and fair participation in all matters before the Court.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Motion to Accept Electronic Evidence and Exhibits

PLAINTIFF'S MOTION TO ACCEPT ELECTRONIC EVIDENCE AND EXHIBITS

Plaintiff respectfully requests that the Court accept all submitted evidence in electronic form, including video, audio, photographs, and digital files, as attached Exhibits 1 through 65 and Documents 1 through 20.

Due to the volume and nature of the evidence, electronic submission is necessary to facilitate proper review by the Court and Defendants.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Motion for Protective Order or Relief Due to Unlawful Citations and Arrests

PLAINTIFF'S MOTION FOR PROTECTIVE ORDER OR
RELIEF DUE TO UNLAWFUL CITATIONS AND ARRESTS

Plaintiff respectfully requests that this Court issue a Protective Order or appropriate relief for the
2

These actions were taken without warrant, based on retaliatory motives, and have caused irreparable harm. Relief is necessary to prevent ongoing and future misconduct.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was electronic filing E-Served on this 6th day of July 2025, upon the following:

Meredith Lyon, Et Al., Defendants.

City of Carrollton - Legal Department

1945 E. Jackson Road, Carrollton, TX 75006

Fabian Melo, City Attorney

Tim Roush, Hector Romero, Code Enforcement Officer

Ray Davis, City Superintendent

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff: Huong Gilmer Giaccio

**IN THE MUNICIPAL COURT OF CARROLLTON, TEXAS
AND
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF TEXAS DALLAS DIVISION**

HUONG GILMER GIACCIO,
Plaintiff,

v.

MEREDITH LYON, ET AL.,
Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

Exhibit 48

**PLAINTIFF'S EMERGENCY MOTION AND AFFIDAVIT
REGARDING THIRD UNLAWFUL ARREST ON JULY 9, 2025**

TO THE HONORABLE JUDGES OF SAID COURTS:

COMES NOW, Plaintiff **HUONG GILMER GIACCIO**, pro se, and respectfully files this Motion and Affidavit concerning her **third unlawful arrest** on **July 9th, 2025, at 8:30 AM**, by Marshal **Daimon Hail**, without a warrant, without probable cause, and in clear violation of **her constitutional and statutory rights**, and states the following:

I. FACTUAL BACKGROUND

1. On **July 9th, 2025**, after Plaintiff get into her car and drove off from her home about 150 feet, Plaintiff was arrested by City Marshal **Daimon Hail**, he stopped her car on the street. Marshal **Hail** had parked near her home, waited for Plaintiff to enter her car, and then arrested her without giving her a **warrant**.
2. Plaintiff verbally **requested to see a warrant** at the time of the arrest and again at the detention facility. No **warrant was ever shown**, produced, or filed at any time.
3. Plaintiff was held overnight and **released on July 10th, 2025, at 9:30 AM** without any arraignment, formal charge, or due process.
4. **Video and audio recordings** captured the incident. In these, **Marshal Hail admits on record:**

"I can arrest you without a warrant."

5. This is Plaintiff's **third unlawful arrest** by Carrollton officials, following a **pattern of abuse, intimidation,**

II. LEGAL BASIS FOR RELIEF

Plaintiff respectfully states the following grounds for the relief requested:

1. Invalid Charges – Municipal Code Violations Misused

Plaintiff was arrested and charged under the following alleged violations:

- “No Building Permit (MC)” under ART XXX-ZONING.
- “Violation of Housing Code (MC)” under CO 96
- No violation occurred for the zoning and housing code citations
- Plaintiff completed 187 hours of community service
- The false STR citation (No. 22821)

These repeated unlawful citations have been improperly used to justify **custody and arrest**, despite **minor civil infractions** not subject to criminal detention under Texas law.

2. **No Warrant for Housing Code Citations.** Plaintiff filed many motions and showed up for hearing on time. There was **no warrant** issued or present for the arrest of Plaintiff.

Housing Code violations do **not qualify for custodial arrest**, and yet Plaintiff was **arrested three times** without judicial authorization.

3. Unlawful Arrest Without Warrant

Plaintiff was seized by **Marshal Daimon Hail**

• **September 30th, 2024**: Arrested by **Officer Hail** during a community service show hearing in the court room, detained until **October 1st, 2024**

• **October 28th, 2024**: Arrested again by **Officer Hail** during another community service hearing in the court room, detained until **October 29th, 2024**

• **July 9th, 2025**, arrested by again **Officer Hail** following her and arrested her around her home detained until **July 10th, 2025**,

- These three arrests were without any **warrant, probable cause, or arraignment**. This violates the **Fourth**

4. Ongoing Judicial and Officer Misconduct

Marshal **Hail** arrested Plaintiff **inside the courtroom** or in its immediate vicinity **without judicial order, constituting misconduct** and an **abuse of power**.

5. Retaliation for Federal Case Activity

This arrest on **July 9th, 2025**, occurred shortly after Plaintiff filed and served documents on July 6th, 2025, in the pending **federal civil rights lawsuit** (Case No. 3:24-cv-3005-E-BN), indicating direct **retaliation** by city officers.

6. Violation of Due Process Rights

The citations used as justification for this arrest are part of a documented pattern of **malicious, repeated, and unconstitutional enforcement**, with no **evidence of actual violations**. Plaintiff was **held without hearing, no charge sheet, and no judicial review**.

7. Coercion and Financial Extortion

Plaintiff is being coerced into paying **\$19,069 in fines** related to over **60+ citations**, with threats of **additional arrest** if not paid by **July 24, 2025**. This is despite Plaintiff having already completed **187 hours of community service** under prior court orders.

8. Improper Use of Detention as Punishment

Jail documents confirm the only reason for release was listed as:

“RELEASE TO PAY FINE” – not due to adjudication or a lawful process. Plaintiff was never brought before a judge and was denied the right to defend herself

9. Community Service Rejected Without Just Cause

Plaintiff **did not miss a payment deadline**. She had **no unpaid valid fines**, as she had already completed **187 hours of community service** and **timely** submitted all required documentation to the **court and the collection department**. However, **Judge Christopher Castro** rejected her service hours without hearing or explanation and called **Marshal Daimon Hail** to arrest **Plaintiff inside the courtroom**.

Plaintiff was told: *“If you pay the fine right now, we won’t send you to jail.”*

Case 3:24-cv-03005-E-BN Document 188 Filed 07/11/25 Page 4 of 6 PageID 1218
But Plaintiff responded that she **did not have the money** and had come **with all required paperwork** to request recognition of **community service**.

The arrest was done in **retaliation** and **without lawful basis**.

The **arrests violate** the following **constitutional and statutory protections**:


- **Fourth Amendment** – Protection against unlawful seizure
- **Fourteenth Amendment** – Denial of due process
- **Texas Code of Criminal Procedure** – Procedures for legal arrests
- **42 U.S.C. § 1983** – Civil liability for deprivation of rights under color of law

10. False Citation While in Custody – Citation No. 22821

On **July 10th, 2025**, while Plaintiff was still in **custody**, she was issued a new citation (**Citation No. 22821**) by **Officer Jennifer Vasquez**, accusing her of “**operating a short-term rental (STR) without a lodging license**” at **3719 Kelly Blvd**. Plaintiff **did not engage in any STR operation**, and the citation was issued **after her arrest**, without investigation or valid cause. When Plaintiff stated she had **no money for bond**, she was threatened with further incarceration unless she signed or paid immediately. This act constitutes **retaliatory citation, false accusation, and economic coercion** under color of law, in violation of Plaintiff’s **constitutional rights**.

III. RELIEF REQUESTED

Plaintiff respectfully requests that:

1. The **Carrollton Municipal Court** and the **U.S. District Court** immediately **prohibit any further arrests** of Plaintiff **without a valid, signed warrant**. Plaintiff requests an immediate **order enjoining all warrantless arrests** related to any **alleged municipal violations or civil infractions**. Plaintiff further requests an **injunction preventing arrests without proper judicial authorization** going forward.
2. That the **City of Carrollton** and **Marshal Daimon Hail** be formally **investigated for repeated unlawful arrests, abuse of authority**, and violations of Plaintiff’s constitutional rights.
3. That Plaintiff be permitted to **supplement this motion** with the following evidence:
 -  **Jail records**

- **Booking documents**
- **Video and audio recordings proving unlawful conduct by Marshal Hail and court officials**

4. That the Courts take **judicial notice** of the ongoing pattern of **misconduct** documented in Plaintiff's federal civil rights case:

Huong Gilmer Giaccio v. MEREDITH LYON, ET AL., Case No. 3:24-cv-3005-E-BN

5. That the Courts issue any **additional injunctive relief, protective orders**, or other remedies they deem just and necessary, including:

- **Dismissal of all citations** issued without **probable cause** or **lawful procedure**
- **Sanctions** or referral for **investigation** into the conduct of **Marshal Daimon Hail** and **court officials** involved
- **Emergency relief** to prevent any **coercion, jail time, or civil penalties** related to the unlawful fine due date of **July 24th, 2025**

IV. AFFIDAVIT OF PLAINTIFF

I, **HUONG GILMER GIACCIO**, under penalty of perjury, hereby state:

On **July 9th, 2025**, I was unlawfully arrested **without a warrant** by Marshal **Daimon Hail** after leaving my home of 150 feet. No warrant was ever shown or filed. I have in my possession **video recordings** and **jail documentation** proving this arrest occurred without legal authority.

This was the **third** such **unlawful arrest** I have suffered at the hands of **Carrollton officers**.

Executed this 11th, day of July 2025.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio
3719 Kelly Blvd, Carrollton, TX 75007
Phone: 945-546-0934.
Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, **Huong Gilmer Giaccio**, hereby certify that on this **11th day of July 2025**, a true and correct copy of the foregoing:

Emergency Motion and Affidavit Regarding Third Unlawful Arrest on July 9, 2025

along with attached exhibits and supporting documentation, was E-Served upon the following parties as applicable

For the Carrollton Municipal Court:

Carrollton Municipal Court, 2001 E. Jackson Road, Carrollton, Texas 75006

For the Federal Case (3:24-cv-3005-E-BN):

Meredith Lyon, ET AL., Defendants. City Attorney

Office of the City Attorney, 1945 E. Jackson Road, Carrollton, Texas 75006

Attorney of Record for Defendants (via ECF if applicable)

or physical service if not yet appearing

Executed this 11th day of July 2025.

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934, hgfive@yahoo.com

Exhibit 58

Part 5: Motion to Request Judicial Reassignment

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

PLAINTIFF’S MOTION TO AMEND COMPLAINT

TO INCLUDE NEW CLAIMS OF RETALIATION, PROSECUTORIAL MISCONDUCT, AND UNLAWFUL CITATIONS

TO THE HONORABLE JUDGE:

NOW COMES Plaintiff, **Huong Gilmer Giaccio**, pro se, pursuant to **Federal Rule of Civil Procedure 15(a)(2)**, and respectfully moves the Court for **leave to file an Amended Complaint** to include newly arising claims of **retaliatory arrest, prosecutorial misconduct, and unlawful citation issuance** that have occurred following the filing of the original complaint. In support of this Motion, Plaintiff states the following:

I. PROCEDURAL BACKGROUND

Plaintiff originally filed this action alleging **constitutional violations, abuse of authority, and unlawful citations** issued without evidence. Since the filing, Plaintiff has endured further **retaliatory acts** by municipal officers and court officials, including:

- A **third unlawful arrest** on **July 9, 2025**, by Marshal **Daimon Hail** without a warrant.
- The issuance of **additional false citations**, including Citation #22821, which falsely accuses Plaintiff of conducting **short-term rental activity at her home**.
- Continuous threats of **fines totaling \$19,069** and **imprisonment** for failure to pay those fines, despite having completed **187 hours of community service**.

II. GROUNDS FOR AMENDMENT

Plaintiff seeks to amend the complaint to include:

- Plaintiff's **July 9, 2025**, arrest occurred immediately after she filed federal objections and motions. Officer Hail stated, *"You have 45 warrants,"* and demanded payment on the spot. This action was **retaliatory** and without legal basis.

2. False Citation and Prosecutorial Misconduct

- Repeated **fraudulent citations** for "No Building Permit" and "Violation of Housing Code" were issued without evidence.
- Prosecutors pursued **multiple criminal jury trials** based on a **curtain in a private home**—with **40 counts** charged for "No Building Permit" **in a single day**.
- These actions violate **due process, equal protection, and constitute malicious prosecution**.

3. Violation of First Amendment – Right to Petition

- Plaintiff's protected activity (filing lawsuits and objections) was met with **intimidation, arrests, and increased citation pressure**, violating her **First Amendment rights**.

4. Violation of the Eighth Amendment – Excessive Fines

- Fines totaling **\$19,000+** for non-criminal municipal citations without due process or trial is **cruel, excessive, and coercive**.

5. Violation of the Fourteenth Amendment – Due Process

- Plaintiff was arrested without **arraignment, denied a hearing**, and was released only with the instruction *"pay or go to jail."*

III. LEGAL BASIS

Under **Federal Rule of Civil Procedure 15(a)(2)**, "[t]he court should freely give leave [to amend] when justice so requires." The new facts form a **continuation** and **escalation** of the pattern of constitutional violations already before the Court.

IV. PRAYER FOR RELIEF

Plaintiff respectfully prays that this Court:

1. **GRANT** leave to file an Amended Complaint;
2. Allow the inclusion of new claims based on **retaliation, prosecutorial abuse, and false citations**;
3. Take **judicial notice** of new evidence submitted under Docket Nos. [Insert recent docket filings];

Executed this 16th, day of July 2025.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, Huong Gilmer Giaccio, hereby certify that a true and correct copy of the foregoing instrument was served on the parties listed below by the methods indicated. Via **E-Served** and **Personal Delivery File in** on this 16th, day of July 2025, upon the following documents:

- **Plaintiff's Emergency Motion and Affidavit Regarding Third Unlawful Arrest on July 9, 2025**
- **Plaintiff's Motion to Request Community Service**
- **Objection to Dismissal and Retaliation Notice**
- **Motion to Request Judicial Reassignment**
- **Motion to Amend Damages and Relief Statement**
- **Exhibit Index and Attachments**

1. Carrollton Municipal Court

2001 E. Jackson Road

Carrollton, Texas 75006 (Delivered file in person)

2. United States District Court – Northern District of Texas

1100 Commerce Street

Dallas, Texas 75242 (Submitted via PACER electronic filing)

3. City of Carrollton Collections Department

2001 E. Jackson Road

Carrollton, Texas 75006 (Delivered file in person)

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934, hgfive@yahoo.com

Part 4: MOTION FOR RECONSIDERATION

Exhibit 56

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

PLAINTIFF’S MOTION FOR RECONSIDERATION

TO THE HONORABLE JUDGE:

NOW COMES Plaintiff, **Huong Gilmer Giaccio**, pro se, and respectfully submits this **Motion for Reconsideration** pursuant to **Federal Rules of Civil Procedure 59(e) and 60(b)**, in response to the **Findings and Recommendation to Dismiss With Prejudice** dated **July 8, 2025**, and in support would show the Court as follows:

I. GROUNDS FOR RECONSIDERATION

1. **New Evidence** and facts have come to light since the filing of Plaintiff’s original complaint, including a **third unlawful arrest on July 9, 2025**, without a warrant, captured on video and supported by jail documents and officer admission.
2. The Court’s prior ruling **did not review the full evidence**, including over 90 exhibits, multiple **certified motions**, and **recordings of judicial and officer misconduct**.
3. The recommendation to dismiss with prejudice fails to address substantial **constitutional claims** under:
 - **42 U.S.C. § 1983** – Retaliation and deprivation of rights
 - **Texas Government Code § 133.103**
 - **First Amendment** – Right to petition the government
 - **Fourth Amendment** – Unlawful arrest and seizure

- **Fourteenth Amendment** – Denial of due process
- **Eighth Amendment** – Excessive fines and cruel punishment

4. Plaintiff filed timely motions for **community service in lieu of fines**, with full documentation of **187 hours of completed service, mortgage hardship, and bank records**, but was **ignored by the Municipal Court**, and then arrested without cause.

II. LEGAL BASIS

This Court has authority under **Rule 59(e)** to alter or amend a judgment where:

- There is a **clear error of law or fact**
- New evidence becomes available
- The Court failed to consider material facts

And under **Rule 60(b)** where relief may be granted for:

- **Newly discovered evidence**
- **Misconduct by opposing parties**
- **Any other reason that justifies relief**

III. RELIEF REQUESTED

Plaintiff respectfully requests that this Court:

1. **Reconsider and vacate** the dismissal recommendation filed on **July 8, 2025**
2. **Reopen** the case to allow full consideration of all evidence submitted, including Plaintiff's **July 9 arrest, recordings, jail documents, and financial hardship exhibits**
3. Grant leave for Plaintiff to **amend the complaint** to incorporate the most recent unlawful arrest and **escalated retaliation** after court filings
4. Take **judicial notice** of the additional filings, including:
 - **Motion to Compel Production of Documents**
 - **Motion to Suppress**
 - **Emergency Affidavit of July 11, 2025**

• **Objection to Dismissal Recommendation**

IV. CONCLUSION

Plaintiff pleads with this Court to **review the facts fairly**, acknowledge the **pattern of retaliation and unlawful conduct**, and **preserve her right to be heard** in federal court.

Executed this 16th, day of July 2025.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, Huong Gilmer Giaccio, hereby certify that a true and correct copy of the foregoing instrument was served on the parties listed below by the methods indicated. Via **E-Served** and **Personal Delivery File in** on this 16th, day of July 2025, upon the following documents:

- **Plaintiff's Emergency Motion and Affidavit Regarding Third Unlawful Arrest on July 9, 2025**
- **Plaintiff's Motion to Request Community Service**
- **Objection to Dismissal and Retaliation Notice**
- **Motion to Request Judicial Reassignment**
- **Motion to Amend Damages and Relief Statement**
- **Exhibit Index and Attachments**

1. Carrollton Municipal Court

2001 E. Jackson Road

Carrollton, Texas 75006 (Delivered file in person)

2. United States District Court – Northern District of Texas

1100 Commerce Street

Dallas, Texas 75242 (Submitted via PACER electronic filing)

3. City of Carrollton Collections Department

2001 E. Jackson Road

Carrollton, Texas 75006 (Delivered file in person)

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934, hgfive@yahoo.com

Part 5: Motion to Request Judicial Reassignment

Exhibit 57

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

PLAINTIFF’S MOTION TO REQUEST JUDICIAL REASSIGNMENT

TO THE HONORABLE JUDGE:

COMES NOW Plaintiff **Huong Gilmer Giaccio, pro se**, and respectfully files this **Motion to Request Judicial Reassignment** pursuant to **28 U.S.C. §§ 144 and 455**, due to ongoing concerns of **judicial bias, prejudice, and failure to review evidence**, and in support would respectfully show the Court as follows:

I. LEGAL BASIS FOR JUDICIAL REASSIGNMENT

Under **28 U.S.C. § 144**, a party may seek reassignment where a judge “has a personal bias or prejudice... against a party.” Under **28 U.S.C. § 455(a)**, a judge must disqualify himself “in any proceeding in which his impartiality might reasonably be questioned.”

II. FACTUAL GROUNDS FOR REASSIGNMENT

1. The assigned judge and magistrate have twice recommended dismissal with prejudice without properly reviewing the 65+ exhibits, motions, and documented constitutional violations submitted by Plaintiff.

2. The Court failed to acknowledge key filings, including:

- **Motion to Compel Production of Documents**
- **Motion to Suppress Evidence**
- **Motion for Community Service**
- **Emergency Motion and Affidavit regarding July 9, 2025 unlawful arrest**

3. Despite submitting **direct audio/video evidence, jail records, and proof of false citations**, the Court refused to **address these facts or hold a hearing**.

4. Plaintiff believes she is being **retaliated against for pursuing this federal case**, as evidenced by:

- **Three unlawful arrests without warrants**
- **Denial of community service despite completed hours**
- **Excessive fines totaling \$19,069 based on unlawful citations**

5. The **appearance of judicial bias** is now undeniable. The same defendants—Judge **Meredith Lyon, Judge Castro, and Prosecutor Fabian Melo**—are being shielded from scrutiny by the assigned Court.

III. REQUEST FOR RELIEF

Plaintiff respectfully requests that:

1. This case be **reassigned** to a different judge **outside the influence of local Carrollton municipal officials**;
2. A **hearing** be scheduled to review all prior filings and newly submitted evidence;
3. All future decisions in this matter be handled by a **neutral and independent judge** who will properly consider Plaintiff's **constitutional claims**;
4. The Court take **judicial notice** of the ongoing retaliation and violations of due process outlined in the July filings.

IV. CONCLUSION

For the sake of **justice, impartiality, and constitutional integrity**, Plaintiff asks this Honorable Court to **reassign this case** so it may be fairly heard and evaluated on the **full merits** of the evidence provided.

Executed this 16th, day of July 2025.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, Huong Gilmer Giaccio, hereby certify that a true and correct copy of the foregoing instrument was served on the parties listed below by the methods indicated. Via **E-Served** and **Personal Delivery File in** on this 16th, day of July 2025, upon the following documents:

- **Plaintiff's Emergency Motion and Affidavit Regarding Third Unlawful Arrest on July 9, 2025**
- **Plaintiff's Motion to Request Community Service**
- **Objection to Dismissal and Retaliation Notice**
- **Motion to Request Judicial Reassignment**
- **Motion to Amend Damages and Relief Statement**
- **Exhibit Index and Attachments**

1. Carrollton Municipal Court

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2. United States District Court – Northern District of Texas

1100 Commerce Street
Dallas, Texas 75242 (Submitted via PACER electronic filing)

3. City of Carrollton Collections Department

2001 E. Jackson Road
Carrollton, Texas. 75006 (Delivered file in person)

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: **Huong Gilmer Giaccio**
3719 Kelly Blvd, Carrollton, TX 75007
Phone: 945-546-0934, hgfive@yahoo.com

Exhibit 59

Part 7: Motion to Request Judicial Review and Warning of Judicial Recusal

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

**PLAINTIFF’S MOTION TO REQUEST JUDICIAL REVIEW OF EVIDENCE
AND WARNING OF MOTION TO RECUSE**

TO THE HONORABLE JUDGE:

NOW COMES Plaintiff, *Huong Gilmer Giaccio*, and respectfully files this Motion to Request Judicial Review and gives **formal notice** that failure to consider the overwhelming direct evidence presented may result in a **Motion to Recuse** based on **bias, prejudice, and denial of access to justice**. Plaintiff files this under:

- **28 U.S.C. § 455(a)** – Judicial Disqualification
- **42 U.S.C. § 1983** – Deprivation of rights under color of law
- **First and Fourteenth Amendments** – Right to petition and due process

I. REQUEST FOR IMMEDIATE JUDICIAL REVIEW

Plaintiff respectfully asks this Court to:

- 1. Review all evidence submitted**, including videos, audio recordings, booking documents, jail records, sworn affidavits, and court filings from **July 2025**.
- Recognize the **pattern of retaliation, warrantless arrests, and excessive fines** supported by video and jail documentation.
- Consider the **Emergency Motion, Objection to Dismissal, and Motion to Amend Complaint** already filed in this case.

II. BASIS FOR THIS MOTION

1. The magistrate judge issued two recommendations to **dismiss this case with prejudice**, despite substantial constitutional claims.
2. The judge has **ignored new evidence**, including audio proof of **Marshal Daimon Hail stating on video he had no warrant** to arrest Plaintiff.
3. Plaintiff was **denied hearings**, arrested in the courtroom, and charged repeatedly with **fabricated violations** like “No Building Permit” for hanging a curtain.
4. The federal judge’s refusal to acknowledge evidence may constitute **prejudgment**, violating Plaintiff’s **due process rights** and **equal protection** under the law.

III. NOTICE OF POTENTIAL MOTION TO RECUSE

If this Court continues to disregard:

- Submitted videos and audio evidence
- Jail documents showing **release due to fine collection only**
- Proof of **retaliation and false citations**

Then Plaintiff will file a **Motion to Recuse the Magistrate Judge and/or District Judge** under **28 U.S.C. § 455(a)** for **appearance of bias or impartiality**, and **failure to provide fair judicial process**.

IV. RELIEF REQUESTED

Plaintiff respectfully requests that this Court:

1. **Immediately review all filed evidence and motions** in this matter.
2. **Halt any further dismissal efforts** without ruling on the evidence.
3. Allow Plaintiff to proceed with her **Amended Complaint** based on newly arising claims.
4. Warn the Defendants and Court officials that **retaliation against federal litigants is unlawful** under **42 U.S.C. § 1983**.
5. Grant any other relief that this Court deems fair and just.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio
3719 Kelly Blvd, Carrollton, TX 75007
Phone: 945-546-0934.
Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, Huong Gilmer Giaccio, hereby certify that a true and correct copy of the foregoing instrument was served on the parties listed below by the methods indicated. Via **E-Served** on this 16th, day of July 2025 and **Personal Delivery File in**, upon the following:

1. Carrollton Municipal Court

2001 E. Jackson Road
Carrollton, Texas 75006 (Delivered file in person)

2. United States District Court – Northern District of Texas

1100 Commerce Street
Dallas, Texas 75242 (Submitted via PACER electronic filing)

3. City of Carrollton Collections Department

2001 E. Jackson Road
Carrollton, Texas 75006 (Delivered file in person)

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio
3719 Kelly Blvd, Carrollton, TX 75007
Phone: 945-546-0934, hgfive@yahoo.com

Exhibit 63

Part 11: PROPOSED ORDER GRANTING RELIEF

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Civil Action No.

3:24-cv-03005-E-BN

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTIONS FOR
EMERGENCY RELIEF, COMMUNITY SERVICE, DISMISSAL
OF RETALIATORY CITATIONS, AND DAMAGES**

Before the Court are the following motions and claims submitted by Plaintiff, **Huong Gilmer Giaccio**:

- **Emergency Motion for Injunctive Relief and Protection from Warrantless Arrests**
- **Motion to Request Community Service in Lieu of Fines**
- **Motion to Dismiss Unlawful and Retaliatory Citations**
- **Claim for Monetary Relief and Reimbursement of Prior Fines Paid Under Duress**

Upon consideration of the filings, exhibits, applicable law, and constitutional protections, the Court hereby makes the following findings and orders:

IT IS HEREBY ORDERED THAT:

1. All further arrests of Plaintiff **Huong Gilmer Giaccio** in relation to municipal citations or civil code violations are prohibited unless supported by a valid **judicially authorized warrant**, in accordance with the **Fourth Amendment**.
2. The Plaintiff's **Motion for Community Service** is **GRANTED**. Plaintiff shall not be subject to fines or incarceration for the citations referenced, having already completed **187 hours** of service and submitted **proof of financial hardship**.
3. All citations issued from **February 2022** onward are **DISMISSED**, as they were **retaliatory, repetitive,**

- **First Amendment** (freedom to petition),
- **Fourth Amendment** (freedom from unlawful seizure),
- **Eighth Amendment** (prohibition of excessive fines),
- **Fourteenth Amendment** (due process and equal protection),
- and **42 U.S.C. § 1983** (retaliation under color of law).

4. The **City of Carrollton** and its officers, including **Marshal Daimon Hail**, are **ENJOINED** from further enforcing citations or arresting Plaintiff on these matters.

5. The Court **ORDERS** that all fines and fees previously paid by Plaintiff from **2019 to present** — including the **\$23,000 in 2019–2021** and the **\$19,069 currently demanded** — be **REFUNDED in full**, with **interest at a rate of 3% per annum**, as they were **unjustly imposed without lawful basis or due process**.

6. This case is referred to the **U.S. Department of Justice** or relevant federal agency for investigation into **judicial misconduct, code enforcement abuse, and prosecutorial retaliation**.

7. Plaintiff is granted **leave to amend her complaint** to include claims based on the **July 9, 2025, arrest**, and to add **additional defendants, evidence, and damages**.

8. As part of the relief requested, Plaintiff states that she seeks:

- **Monetary damages** in the amount of **over \$1,000,000 but not more than \$5,000,000**, for:
- **Emotional distress,**
- **Constitutional violations,**
- **Loss of liberty,**
- **Coerced financial payments,**
- **and retaliatory harm.**
- And all other **non-monetary injunctive relief** deemed just and proper by the Court.

IT IS SO ORDERED.

DATED: _____

JUDGE OF THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

Executed this 16th, day of July 2025.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, **Huong Gilmer Giaccio**, hereby certify that a true and correct copy of the foregoing instrument was served on the parties listed below by the methods indicated. Via E-Served on this 16th, day of July 2025 and **Personal Delivery File in**, upon the following:

1. Carrollton Municipal Court

2001 E. Jackson Road

Carrollton, Texas 75006 (Delivered file in person)

2. United States District Court – Northern District of Texas

1100 Commerce Street

Dallas, Texas 75242 (Submitted via PACER electronic filing)

3. City of Carrollton Collections Department

2001 E. Jackson Road

Carrollton, Texas 75006 (Delivered file in person)

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934, hgfive@yahoo.com

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - DALLAS DIVISION**

HUONG GILMER GIACCIO,

Plaintiff,

v.

MEREDITH LYON, ET AL.,

Defendants.

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Exhibit 66

Civil Action No.

3:24-cv-03005-E-BN

PLAINTIFF’S MOTION TO RECONSIDER DISMISSAL AND REINSTATE CLAIMS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, **Huong Gilmer Giaccio**, and respectfully submits this **Motion to Reconsider the Court’s July 18, 2025, Findings and Recommendation**, which recommends **dismissal with prejudice** of Plaintiff’s constitutional and civil rights claims. Pursuant to **Federal Rule of Civil Procedure 59(e)** and applicable case law, Plaintiff asks the Court to **reopen and reinstate the dismissed claims** based on **newly submitted evidence, clear factual errors, and manifest injustice** resulting from the recommendation.

I. GROUNDS FOR RECONSIDERATION

1. Direct Video and Audio Evidence of unlawful arrest without a warrant by Marshal Daimon Hail on **July 9, 2025**, has now been submitted to the Court. On video, Marshal Hail explicitly confirms: **“I have no warrant”** before arresting Plaintiff.

2. Plaintiff has filed over 100 exhibits showing:

- No probable cause for arrest.
- Over **70 repeated, unlawful citations** issued without investigation authority or code violations.
- **Three separate arrests** without judicial warrant, each constituting a **violation of the Fourth and Fourteenth Amendments**.

3. The Court’s recommendation improperly relies on **qualified immunity** for Defendants, despite **clearly**

- **Retaliation for protected speech** and court filings (First Amendment).
- **Excessive fines** and coercion to sign NOLO pleas under threat of contempt (Eighth Amendment).
- **Lack of due process**, fabricated citations, and denial of fair trial (Fourteenth Amendment).

4. The recommendation failed to consider:

- **Newly filed motions**, including:
 - Motion to Suppress.
 - Emergency Affidavit and Objection.
 - Motion to Amend Relief Sought and Damages.
 - Motion to Request Judicial Reassignment.

5. The Court's dismissal prior to full review of all evidence, exhibits, and motions **deprives Plaintiff of a meaningful opportunity to be heard** under **Rule 12(d)** and violates **Rule 15(a)(2)**, which favors liberal amendment of pleadings.

II. LEGAL AUTHORITY

This Motion is brought under:

- **Federal Rule of Civil Procedure 59(e)** – Alter or amend judgment due to new evidence or clear error.
- **Rule 60(b)** – Relief from final judgment due to mistake, newly discovered evidence, or misconduct.
- **Monell v. Department of Social Services**, 436 U.S. 658 (1978).
- **Brady v. Maryland**, 373 U.S. 83 (1963).
- **Berger v. United States**, 295 U.S. 78 (1935).

III. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, **Plaintiff respectfully requests that the Court:**

- 1. Vacate the Findings and Recommendation dated July 18, 2025.**
- 2. Reinstate all claims** filed under **42 U.S.C. §1983** and the **U.S. Constitution**.
- 3. Permit leave to amend** any deficient portions of the pleadings.

4. Set a hearing or permit supplemental briefing if the Court requires further evidence.

5. Grant any other relief to which Plaintiff is justly entitled.

Executed this 18th, day of July 2025.

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007

Phone: 945-546-0934.

Email: hgfive@yahoo.com

CERTIFICATE OF SERVICE

I, **Huong Gilmer Giaccio**, hereby certify that a true and correct copy of the foregoing document titled:

“PLAINTIFF’S MOTION TO RECONSIDER DISMISSAL AND REINSTATE CLAIMS”

along with all supporting exhibits and related motions, was properly served and filed on this 18th, day of July 2025, as follows:

- Filed via PACER with the United States District Court for the Northern District of Texas, Case No. 3:24-cv-03005-E-BN.
- Served upon all parties and counsel of record via electronic case filing (ECF) system.

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

Amended Complaint with Motions and Exhibit Index

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF TEXAS DALLAS DIVISION**

Exhibit 28

HUONG GILMER GIACCIO,
Plaintiff,

§
§
§
§
§
§
§

3:24-cv-03005-E-BN

v.

MEREDITH LYON, ET AL.,
Defendants.

Referred to U.S. Magistrate Judge

AMENDED COMPLAINT

This filing includes:

- Amended Complaint
- Motions to Suppress, Compel, and Request Relief
- Exhibit Index covering Exhibits 1-103

Plaintiff respectfully submits the amended complaint, supported by documentary evidence, video and audio exhibits, and legal motions related to constitutional violations, unlawful citations, and improper investigations.

All documents and evidence have been organized into an exhibit index and presented in support of Plaintiff's claims.

Respectfully submitted,

Amended Complaint with Motions and Exhibit Index

Respectfully submitted,

By: /s/ *Huong Gilmer Giaccio*

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007,

Phone: 945-546-0934.

Email: hgfive@yahoo.com

I hereby certify that a true and correct copy of the above and foregoing instrument was E-Served on this 2nd day of July 2025, upon the following:

MEREDITH LYON, ET AL., Defendants.

City of Carrollton Municipal Court

2001 E Jackson Rd, Carrollton, TX 75006.

Phone: 972-466-3348

/s/ Huong Gilmer Giaccio

Pro Se Plaintiff: **Huong Gilmer Giaccio**

Federal Court Filing Support Documents

1. Cover Letter to Clerk of Court

Exhibit 27

Date: July 6th, 2025

To: Clerk of the Court

United States District Court

Northern District of Texas - Dallas Division

Re: Filing of Amended Complaint, Motions, and Supporting Exhibits

Case No. **3:24-cv-3005-E-BN**

Dear Clerk,

Enclosed please find Plaintiff's Amended Complaint, Motions, and Exhibit Index, along with supporting documentary, video, and audio exhibits (Exhibits 1 through 87). These documents are respectfully submitted for filing in the above-referenced case.

Thank you for your attention to this matter.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007,

Phone: 945-546-0934.

Email: hgfive@yahoo.com

2. Certificate of Service

I hereby certify that on July 6th 2025, a true and correct copy of the foregoing Amended Complaint, Exhibit Index, and attached supporting documents were served upon the following Defendants via electronic filing E-Served:

Meredith Lyon, Et Al., Defendants.

1945 E. Jackson Road, Carrollton, TX 75006

Fabian Melo, City Attorney

Tim Roush, Hector Romero, Code Enforcement Officer

Ray Davis, City Superintendent

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff: Huong Gilmer Giaccio

3. Declaration of Plaintiff

I, Huong Gilmer Giaccio, declare under penalty of perjury that the statements made in the attached Amended Complaint and the factual evidence submitted through Exhibits 1-87 are true and correct to the best of my knowledge and belief.

Executed on July 6th, 2025.

Respectfully submitted,

By: /s/ Huong Gilmer Giaccio

Pro Se Plaintiff: Huong Gilmer Giaccio

3719 Kelly Blvd, Carrollton, TX 75007,

Phone: 945-546-0934.

Email: hgfive@yahoo.com

4. PACER Electronic Filing Checklist

Before submitting your documents through PACER/ECF, ensure the following:

[X] Log in to your PACER account at <https://ecf.txnd.uscourts.gov>

[X] Go to 'Civil > Other Filings > Amended Complaint'

[X] Attach: Amended_Complaint_with_Motions_and_Exhibit_Index.pdf

[X] Add Certificate of Service (or include it in the PDF)

[X] Double-check that all parties and case number are listed correctly

[X] Submit and confirm your filing via email receipt

If unable to upload a ZIP file through ECF, you may state in the Complaint that the full video/audio

Exhibits are available upon request via USB or CD and will be delivered to the Court Clerk

Combined Exhibit Index – Exhibits 1 to 71

Videos, Voicemail and Trails audio recordings Evidence

Below are the 71 complete exhibits submitted in connection with the appellate record.

- 1. Exhibit 01.** Video – Davis, they illegal entered my resident **Exhibit 45a**
- 2. Exhibit 02.** Video - Davis Issued 19 citations on 8-14-2019 for curtain No construction
- 3. Exhibit 03.** Video - Davis false testified construction. Citations issued for a curtain
- 4. Exhibit 04.** Voicemail - Davis has been harassed. Stalking and threatening
- 5. Exhibit 05.** Video – Davis citations are falsely issued.
- 6. Exhibit 06.** Voicemail - Davis threatening, Harassment and stalking
- 7. Exhibit 07.** Video - Davis Personal investigation without authority. Violated protocols.
- 8. Exhibit 08.** Video – Davis Investigations lacked authority, not align with proper procedures
- 9. Exhibit 09.** Video. Davis took Unknown man entered my home. No consent. Loss of privacy
- 10. Exhibit 10.** Video – Davis no allow sleep in this room. Bed gone. Come back Friday
- 11. Exhibit 11.** Video - Davis investigated without authority. Improper and outside jurisdiction.
- 12. Exhibit 12.** Video – Davis Issued false citations. Objected as hearsay. No violation proven.
- 13. Exhibit 13.** Video - Tim lied about emergency exit; 3 exits originally exist.
- 14. Exhibit 14.** Video - Tim lied about bushes blocking widows; 3 originally exist.
- 15. Exhibit 15.** Video – Davis ordered to move my son bed out of his room, my son is in Navy

- 16. Exhibit 16.** Video – Davis Investigations lacked authority, not align with proper procedures
- 17. Exhibit 17.** Video – Davis illegal investigated me: Where I live, where is my other house
- 18. Exhibit 18.** Video - Davis got man in my home. I did not know him. Violate my civil rights
- 19. Exhibit 19.** Video - Davis chases my family. took pictures, illegally personally investigated
- 20. Exhibit 20.** Video - Davis illegally personally investigated our private home
- 21. Exhibit 21.** Audio – Fabian provided letter K for unregistered property. Judge interrupted me
- 22. Exhibit 22.** Audio - Meredith citation reduces to 500 by Law. But still charged 2000 each
- 23. Exhibit 23.** Audio - Tim bath. Laundry she sleep at night
- 24. Exhibit 24.** Audio - J. Lyon charged No Building Permit for a curtain
- 25. Exhibit 25.** Audio - Tim did not follow Rules Protocols
- 26. Exhibit 26.** Audio - Hector Envelope evidence testified
- 27. Exhibit 27.** Audio – 16 or 12 minutes Judge Prosecutor didn't let me talk
- 28. Exhibit 28.** Audio – Davis has no violation evidence
- 29. Exhibit 29.** Audio – Davis testified no need permit for hang curtain still charged
- 30. Exhibit 30.** Audio – Davis Fabian prosecutor said no wall no pictures no evidence
- 31. Exhibit 31.** Audio – Davis testified Hector may misunderstood. No experience.
- 32. Exhibit 32.** Audio – Davis testified issues citations before investigation.
- 33. Exhibit 33.** Audio – Davis Practiced citations mailed. No real basis. No violation
- 34. Exhibit 34.** Audio – Davis testified no wall. No construction

- 35. Exhibit 35.** Audio – Davis testified no need permit for hang up
- 36. Exhibit 36.** Audio – Davis testified used experience to write citation.
- 37. Exhibit 37.** Audio – Davis False evidence unrelated to room rental
- 38. Exhibit 38.** Audio – Davis has no picture evidence
- 39. Exhibit 39.** Audio – Davis false testified no window exit on 3 original big windows
- 40. Exhibit 40.** Audio - Hector no wall. No screws but a red curtain. No violation
- 41. Exhibit 41.** Audio – Davis write citations before investigation
- 42. Exhibit 42.** Audio – Hector Envelope evidence. He didnt investigate see no violation
- 43. Exhibit 43.** Audio - Hector testified Practice writing citations by Davis's instruction
- 44. Exhibit 44.** Audio - Hector testified no wall but a Curtain or dray over the doorway
- 45. Exhibit 45.** Audio – Hector testified No investigation No see any violation
- 46. Exhibit 46.** Audio - Fabian introduced false irrelevant evidence. Overrule objections
- 47. Exhibit 47.** Audio – Tim testified completely not related to criminal violation citation
- 48. Exhibit 48.** Audio – Tim testified with letters K pictures for unregistered property rental
- 49. Exhibit 49.** Audio – Christoper put me in contempt. I objected irrelevant hearsay evidence
- 50. Exhibit 50.** Audio. Fabian provided irrelevant hearsay evidence not related to citation
- 51. Exhibit 51.** Audio. Tim investigated. where I live bath sleep at night do laundry

- 52. Exhibit 52.** Audio. Tim testified saw rooms of letter K. No unregistered property rental
- 53. Exhibit 53.** Audio. Tim saw someone in room. No unregistered property rental evidence
- 54. Exhibit 54.** Audio. Tim false testified on his own documents CEH202210124
- 55. Exhibit 55.** Audio. Christopher hold defendant in contempt interrupted me when I speak
- 56. Exhibit 56.** Audio. Tim testified about decoration of the home that he never seen before
- 57. Exhibit 57.** Audio. Tim testified with no evidence for unregistered property rental
- 58. Exhibit 58.** Audio. Judge turned off recorder. I objected to all false evidence irrelevant
- 59. Exhibit 59.** Audio. Christopher rejected my community service 187 hours
- 60. Exhibit 60.** Audio. I turned in the work hours every week during the 3 months
- 61. Exhibit 61.** Audio. I like to have your order of exact location where you want me to work
- 62. Exhibit 62.** Audio. Christopher called Hail arrest me in courtroom without warrant
- 63. Exhibit 63.** Audio. Hail said I dont need to show you the warrant. You will see it in jail
- 64. Exhibit 64.** Audio. Hail said pay fine. No community service so he No put me in jail
- 65. Exhibit 65.** Audio. I asked for a warrant arrest but he didnt give me. He through me in
- 66. Exhibit 66.** Video. 7.9.25Hail waited outside my home arrested me. False warrant arrest
- 67. Exhibit 67.** Video. 7.9.25Hail arrested me without warrant. I sued him for criminal action
- 68. Exhibit 68.** Video. 7.9.25Hail with no warrant arrest sneaked around my home arrest me

- 69. **Exhibit 69.** Video. 7.9.25Hail had no warrant but came to my home arrest me
- 70. **Exhibit 70.** Video. 7.8.25Hail admitted arrested me the 3rd time without warrant arrest
- 71. **Exhibit 71.** Video. 7.9.25Hail said no one care these record he said I have 45 warrant arrest

Combined Exhibit Index – Exhibits 1 to 120

*Court Transcript, Official reports, Documentations, Filing motions Evidence
Below are the 120 complete exhibits submitted in connection with the appellate record.*

- 1. **Exhibit 01.** 21556.20377 excessive 23 citations issued in a day of 12.9.2022 at 3719
- 2. **Exhibit 02.** 20378.21610 excessive 31 citations issued in a day of 12.14.2022 at 1513
- 3. **Exhibit 03.** Excessive unlawful 54 citations falsely charges table
- 4. **Exhibit 04.** Report falsely charges No Building Permit
- 5. **Exhibit 05.** 22p \$2000 Falsely Fines forced
- 6. **Exhibit 06.** 35p Personal investigated my residence RD TR HR
- 7. **Exhibit 07.** 8p State Motion in Limine
- 8. **Exhibit 08.** Envelope mailed 23cita after inspection passed 12.14.22
- 9. **Exhibit 09.** 40p10.28.24 arrest Record FiledCS
- 10. **Exhibit 10.** 8pTR false report. No by hand. mailed cita
- 11. **Exhibit 11.** Timdigtrash Citations issued without supporting evidence
- 11a. **Exhibit 11a.** 2 wrong 6p cita TRdigtrash
- 12. **Exhibit 12.** 19p 9.30.24unlawfulcita falsely charges illegal arrest
- 13. **Exhibit 13.** Suppress Trans TR Testified was Not present at offense
- 14. **Exhibit 14.** 13p Appli. indigen12.3. Nocontest 2p. 11.25 24

15. **Exhibit 15.** 12p. CS2p. CS2p. Discharge MT continu
16. **Exhibit 16.** 11.18.24 13p App trans higher court
17. **Exhibit 17.** 27p FiledCarr 2arrest docuCS
18. **Exhibit 18.** 15p Arrest Policer DHail docuCS
19. **Exhibit 19.** 11.25.24KotraD Court 14p carr
20. **Exhibit 20.** Cp 17P. M.LYON. SCJC
21. **Exhibit 21.** Con 6p.Christopher Castro. SCJC. Viet
22. **Exhibit 22.** 12.4.24 Fabian Comp 25p
23. **Exhibit 23.** Cp 6p TX. Ray Form complaint.
24. **Exhibit 24.** Cp 8p TX. Tim Form complaint.
25. **Exhibit 25.** Cp 7p TX. HR
26. **Exhibit 26.** Davis false testified Search Warrant p33 line12.25
27. **Exhibit 27.** Court_Filing_Support_Package
28. **Exhibit 28.** 7-2-25 Amended Complaint
29. **Exhibit 29.** 7-2-25 P First Amend3005
30. **Exhibit 30.** 7-18-25 Fed dismissed
31. **Exhibit 31.** 4-29-2025 9p ongoing harassCV
32. **Exhibit 32.** 5-3-25 9p Re CS unlawful cita
33. **Exhibit 33.** 6-5-25 req production3005 4p
34. **Exhibit 34.** 6-15-2025 req Discovery3005 4p
35. **Exhibit 35.** 6-4-25 req production2469

- 36. Exhibit 36.** 6-5-25 certified mail3005 20p
- 37. Exhibit 37.** 6-11-25 req evidence carr denied
- 38. Exhibit 38.** 6-11-25 Req Production2469
- 39. Exhibit 39.** 6-17-25 denied Discovery3005
- 40. Exhibit 40.** 7-2-25 Plaintiff Objection3005
- 41. Exhibit 41.** 7-2-25 First Amend3005
- 42. Exhibit 42.** 7-2-25 Language3005
- 43. Exhibit 43.** 7-2-25 Suppress unlawful obtained evidence
- 44. Exhibit 44.** 7-2-25. 5 Motion Amend Complaint
- 45. Exhibit 45.** Exhibits Index
- 46. Exhibit 46.** Exhibits Details
- 47. Exhibit 47.** 7-9-25 12Docu arrested No3
- 48. Exhibit 48.** 7-11-25 6p Emer Affida 2court
- 49. Exhibit 49.** 7-11-25 6p Object Retaliation
- 50. Exhibit 50.** 7-11-25MT CS.Collec court 4p
- 51. Exhibit 51.** 7-11-25MTCS Colcourt Docu 18p
- 52. Exhibit 52.** 7.17.25 Fed.Letter oversightauthorities
- 53. Exhibit 53.** 7.16.25 Plain Object 6.24-7.8
- 54. Exhibit 54.** 7.16.25 Plain Object Reconsider
- 55. Exhibit 55.** 7.16.25Renew Compel Production
- 56. Exhibit 56.** 7.16.25Plain Reconsideration

- 57. Exhibit 57.** 7.16.25Plain Req Judicial Reassignment
- 58. Exhibit 58.** 7.16.25Plain Amended Complaint
- 59. Exhibit 59.** 7.16.25Plain Judicial Recuse
- 60. Exhibit 60.** 7.16.25Plai investigation Civil Right
- 61. Exhibit 61.** 7.16.25Pla Supplemental Judicial Misconduct
- 62. Exhibit 62.** 7.16.25PLa Dismiss Retaliatory Citations
- 63. Exhibit 63.** 7.16.25Pla Emergency Injunctive Relief
- 64. Exhibit 64.** 7.16.25 Amend Damages Relief
- 65. Exhibit 65.** 7.18.25Pla Objection Finding Recomme
- 66. Exhibit 66.** 7.18.25 reconsider reinstate
- 67. Exhibit 67.** 7.18.25 MtReassignment Fed
- 68. Exhibit 68.** 7.18.25 MtDam ReliefFed
- 69. Exhibit 69.** 7.18.25 Noticeof service defendant
- 70. Exhibit 70.** 6-24-25 Feddoibo 3005L1
- 71. Exhibit 71.** 7-8-2025 Feddoibo 3005L2
- 72. Exhibit 72.** 7-18-25 Fed dismissed 3005
- 73. Exhibit 73.** 7.20.25Oral Hearing
- 74. Exhibit 74.** 7.20.25 UpdateAmended Complaint
- 75. Exhibit 75.** 7.20.25sec Amen Comp
- 76. Exhibit 76.** 7.20.25noti related case
- 77. Exhibit 77.** 7.22.25 Notice Appeal Fifth

- 78. Exhibit 78.** 7.22.25 Forma Pauperis Appeal
- 79. Exhibit 79.** 7.22.25 Emerg Injuntion
- 80. Exhibit 80.** 7.22.25 Sup Emerg Injuntion
- 81. Exhibit 81.** 7.22.25 Exhi Sup Emer Affi
- 82. Exhibit 82.** 7.22.25 Table ofconten
- 83. Exhibit 83.** 7.22.25 cover sheet
- 84. Exhibit 84.** 7.21.25letter TXattGen
- 85. Exhibit 85.** 7.21.25Inter Affpo carr letter
- 86. Exhibit 86.** 7.21.25Com inte aff carr
- 87. Exhibit 87.** IntAffa PacCom
- 88. Exhibit 88.** FedNoti Supment
- 89. Exhibit 89.** 7.22.25 sub sumsheet
- 90. Exhibit 90.** 7.23.25 Email TX.OAG
- 91. Exhibit 91.** 7.25.25Cover Letter Fifth Circuit
- 92. Exhibit 92.** 7.25.25Emer Mt InjunApp
- 93. Exhibit 93.** 7.25.25Exhi Videos AudioJailRecords
- 94. Exhibit 94.** 7.25.25 Affidavit Arrest Retaliation
- 95. Exhibit 95.** 7.25.25 DOJ Submission Confirmation
- 96. Exhibit 96.** 7.25.25 FBI Complaint Confirmation
- 97. Exhibit 97.** 7.26.25Lyon CoverLetter
- 98. Exhibit 98.** 7.26.25 FormalReqcarrCS Response

- 99. Exhibit 99.** 7.26.25 SumFed Filing_Update
- 100. Exhibit 100.** 7.26.25 DOJ.FBI NotifiUpdate
- 101. Exhibit 101.** 7.25.25 VM.44call
- 102. Exhibit 102.** Combined Filing Case25-10861
- 103. Exhibit 103.** 7.29.25 MtRequest_ContactInfo_Lyon_25-10861
- 104. Exhibit 104.** 8.1.25 Compel Renew Plea Review
- 105. Exhibit 105.** 8.5.25 CovLetPac2469 IFP_Counsel nheo.d19
- 106. Exhibit 106.** 8.5.25 Htraloi 2469LSngheo.d18
- 107. Exhibit 107.** 8.6.25Noti PreserveConstitClaim d247
- 108. Exhibit 108.** 8.8.25tat lettercarr guidi d248
- 109. Exhibit 109.** 8.9.25 TraPreserveEvi SuppImpac2469 d22
- 110. Exhibit 110.** 8.10.25Continued Obstruction Discovery2469 d23
- 111. Exhibit 111.** 8.16.25 Brief Appeal 861.17p.d249
- 112. Exhibit 112.** 8.18.25 Nocontest RulApp21556 Stayarrest.d250
- 113. Exhibit 113.** 8.19.25 d144 8.1.25 Renew Compel Production d251
- 114. Exhibit 114.** 8.20.25 TranscriptForm Video.Audio Exhibit_Index
- 114a. Exhibit 114.** 8.20.25 update Brief App25.10861
- 115. Exhibit 115.** 8.20.25EmergencyInjunction_Packa d524
- 116. Exhibit 116.** 8.21.25 Reinstatement_Appeal_Package d265
- 117. Exhibit 117.** 8.22.25 resend Notice Appeal 3005
- 118. Exhibit 118.**

Appellant's Brief

Exhibit 114

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 25-10861

Consolidated with No. 25-10952

HUONG GILMER GIACCIO,
Appellant,

v.

MEREDITH LYON, et al.,
Appellees.



On Appeal from the United States District Court
Northern District of Texas, Dallas Division
Case No. 3:24-cv-03005-E-BN
Hon. Ada Brown, United States District Judge

APPELLANT'S BRIEF

Submitted by:

HUONG GILMER GIACCIO

Pro Se Plaintiff-Appellant

3719 Kelly Blvd, Carrollton, Texas 75007

Phone: (945) 546-0934, Email: hgfive@yahoo.com

Date: October 12, 2025

I. CERTIFICATE OF INTERESTED PERSONS

Pursuant to **5th Cir. R. 28.2.1**, the undersigned certifies that the following persons have an interest in the outcome of this case:

- **Huong Gilmer Giaccio** (Plaintiff-Appellant, pro se)
- **Meredith Lyon** (Carrollton Municipal Judge, Defendant-Appellee)
- **Christopher Castro** (Carrollton Municipal Judge, Defendant-Appellee)
- **Fabian Melo** (Carrollton Prosecutor, Defendant-Appellee)
- **Daimon Hail** (City Marshal, Defendant-Appellee)
- **District Judge:** Hon. Ada E. Brown - **Magistrate Judge:** Hon. David L. Horan

II. STATEMENT REGARDING ORAL ARGUMENT

Oral argument is requested. This appeal presents important constitutional questions (Fourth, First, Fourteenth, and Eighth Amendments) arising on arrests without warrant and charges, excessive fines from municipal code-enforcement officers with illegal actions at Appellant's home for excessive, unlawful citations. The questions benefit from oral discussion and are not adequately addressed by the current record alone because crucial **audio/video exhibits** were filed below but were **not transmitted** on the ROA CD. See pending FRAP 11(b)(2) motion to transmit exhibits.

ISSUES PRESENTED FOR REVIEW

a. Whether the district court erred in dismissing Appellant's claims under 42 U.S.C. § 1983 despite clear evidence of three unlawful arrests without a warrant, in violation of the Fourth Amendment.

b. Whether the district court erred in refusing to consider Appellant's evidence of charges for over 54 unlawful, excessive, and duplicate citations for fines from illegal entered my home, including more than 40 "no building permit". The charges issued where no construction work occurred these citations, as retaliation and denial of due process under the Fourteenth Amendment. (ROA. 01 Docket Sheet – Case 3:24-cv-03005-E-BN).

c. Whether the district court failed to account for the violation of

Appellant's **First Amendment rights**, where repeated **charges, excessive fines** on excessive citations and arrests were used as **retaliation** for exercising her right to petition the government and defend her property.

d. Whether the imposition of thousands of dollars in fines and forced payments over \$23,000 including a coerced **\$3,400** payment under false assurances, constituted **excessive fines and cruel and unusual punishment** in violation of the **Eighth Amendment**. (ROA. 11-11a. Docket Sheet – Case 3:24-cv-03005-E-BN).

e. Whether the district court improperly applied judicial and prosecutorial immunity to shield misconduct, despite allegations and evidence of **bad faith actions outside legitimate authority**, contrary to **Mireles v. Waco** and related precedent.

f. Charged for over 54 unlawful, excessive, duplicate citations from illegal entered her home, citations were issued:

Offense Date: December 08 and 14, 2022
Issued Date: December 09 and 14, 2022
Date Passed Reinspection: December 14, 2022
Citations Mailed: December 29, 2022, and January 12, 2023
No evidence, No violation. Mail citations after passing inspection 15-27 days

No	56 Citation	Violation Codes	Rules	Charges
1	20359	IRC Chapter 7, Sec R105.1	It refers to Chapter 1, Sec R105.1 Any owner or owner's agent who intends to construct enlarge,	NO
2	20364	IRC Chapter 7, Sec R105.1		
3	20372	IRC Chapter 7, Sec R105.1		

4	20378	IRC Chapter 7, Sec R105.1	<p>alter, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas mechanical or plumbing system (emphasis added) the installation (of which is regulated by this Code. There was no wall constructed. The home has been staying since it was originally built. These citations were requested to be dismissed.</p>	<p>BUILDING PERMIT</p>		
5	20379	IRC Chapter 7, Sec R105.1				
6	20382	IRC Chapter 7, Sec R105.1				
7	20386	IRC Chapter 7, Sec R105.1				
8	20389	IRC Chapter 7, Sec R105.1				
9	20392	IRC Chapter 7, Sec R105.1				
10	20394	IRC Chapter 7, Sec R105.1				
11	20395	IRC Chapter 7, Sec R105.1				
12	20396	IRC Chapter 7, Sec R105.1				
13	20397	IRC Chapter 7, Sec R105.1				
14	20398	IRC Chapter 7, Sec R105.1				
15	20399	IRC Chapter 7, Sec R105.1				
16	20360	IRC Chapter 3, Sec R301.1			<p>Same above</p>	<p>NO</p>
17	20366	IRC Chapter 3, Sec R301.1				
18	20373	IRC Chapter 3, Sec R301.1				
19	20380	IRC Chapter 3, Sec R301.1	<p>Illegally entered her home</p>	<p>BUILDING</p>		
20	20361	IRC Chapter 3, Sec 316.6				
21	20367	IRC Chapter 3, Sec 316.6	<p>Same above</p>			
22	20374	IRC Chapter 3, Sec 316.6				
23	20381	IRC Chapter 3, Sec 316.6	<p>Illegally entered her home</p>			
24	20383	IRC Chapter 3, Sec 316.6				
25	20387	IRC Chapter 3, Sec 316.6	No construction or building work			

26	20369	IRC Chapter 3, Sec R310.1	This code for discusses attics, basements and sleeping rooms But cited for Emergency Escape	PERMIT
27	20376	IRC Chapter 3, Sec R310.1		
28	20385	IRC Chapter 3, Sec R310.1		
29	20362	IRC Chapter 39, Sec E3909.1	Laptop power cord	Charged for
30	20384	IRC Chapter 39, Sec E3909.1	No construction or building work	
31	20388	IRC Chapter 39, Sec E3909.1	Outlets in the room were original	NO
32	20363	IRC Chapter 7, Sec 702.1	Materials were originally when the home was built	Building Permit
33	20368	IRC Chapter 7, Sec 702.1		
34	20375	IRC Chapter 7, Sec 702.1	Illegally entered her home	NO
35	20365	IRC Chapter 16, Sec 1602.2	HVAC return air system was	
36	20371	IRC Chapter 16, Sec 1602.2	Built in original. Ray Davis testified	
37	20377	IRC Chapter 16, Sec 1602.2	he did not know where they are	
38	20370	IRC Chapter 3, Sec 314.3	Smoke detectors were original	BUILDING
39	20390	IRC Chapter 7, Sec R105.1	Doors installs were original	
40	20391	IRC Chap 40, Sec E4001.11	Electric switches were original	PERMIT
41	21602	Illegally entered her home	Electric switches were original	
42	17974	Illegally entered her home	No construction or building work	
43	17975	Illegally entered her home	No ceiling damage in the residence	
44	21601	went inside rooms in residence	Materials were originally	
45	21604	Went inside bedrooms	Asking for more light in my	
46	21605	And said it was dark	Residence bedroom	

47	21555	inside bedrooms in residence	Exiting window original built-in
48	21606	Illegally entered her home	No construction or building work
49	21607	Illegally entered her home	Ordered to install keyless entry to my private home
50	21610	These two-duplicate citations	
51	21608	Same above	Got in my bathroom, kitchen, closets, under kitchen sink in my private home
52	21553	Missing light bulbs	
53	21554	on back porch	
54	21556	Ordered her to register her	residence to a rental property
55	19516	These two-duplicate citations	occupants in my residence and forced me to pay \$3,400
56	19517	\$1,700 each mailed to my home for	

- Charged for citations written on **non-existent walls, smoke detectors, or outlets that were original to the house.** (ROA. 1-3 documents exhibit).
- Charged for a **laptop power cord, missing light bulb, or “dark bedroom”**
- Charged for multiple **duplicate citations** mailed after illegal entries.
- Charged based on over 54 unlawful, excessive, duplicate citations from illegal entered her home. **The Court is pursuing charges based on excessive unlawful repeated, invalid:**

**The unlawful charges and excessive fines that
are not related to the original alleged citations.**

a. Summary of excessive charges on excessive Citations and Unauthorized Investigations

Code Enforcement Officers conducted unauthorized personal investigations at my residence over 54 times. These visits were not legally justified and constituted an invasion of privacy. on **December 14, 2022, at approximately 9:21 AM**, which was recorded by Plaintiff's security camera. (ROA. 01 video exhibit):

- **3719 Kelly Blvd:** 23 excessive unlawful repeated, invalid, and unlawful citations were issued at this address.
- **1513 Van Winkle Dr:** 33 excessive unlawful repeated, invalid, and unlawful citations were issued at this location. (ROA. 2-3 documents exhibit).

Charged on these citations were based on illegal entries into my home.

- **Offense Dates:** December 8th and December 14th, 2022

Charge Stated: "No Building Permit" which is not related to the original citations and has no supporting evidence. (ROA. 1-3 videos exhibit).

b. Prosecutorial Misconduct and Violation of Rights

The prosecutor continued to process these repeated, invalid, and excessive unlawful citations despite their origin in improper conduct. These citations were the result of **misconduct in issuing citations and unauthorized investigations** carried out personally by code officers who lacked legal authority to conduct such investigations on private property.

Furthermore:

- The prosecutor introduced **false, untrue, irrelevant, and hearsay evidence** to these citations.
- I was **threatened with contempt of court** if I refused to sign over 20 excessive unlawful citations as **NOLO CONTENDERE (no contest)**. These citations were from illegal entering my private home.
- I was told the **Judge would hold me in contempt** if I did not sign — even though I **could not fully understand the documents** due to my limited proficiency in English.
- **Charged on: No valid evidence of code violations excessive, unlawful citations**

c. Facts About the Property:

- The home at 3719 Kelly was **built in 1991** and has had **no structural changes** since its original construction.
- There are **no new constructed walls**, and the configuration remains as originally built. Ray Davis testified that there was **“no wall, no construction”**
- The structure remains **sound and intact** as of today.

d. Legal Concerns

These citations and court charges are not related to any actual violations and appear to be:

- **Retaliatory or harassing in nature,**

- **Charged based on unauthorized investigations,**
- **Charged on lacking lawful evidence or documentation.**

I respectfully request the Court to:

- **Dismiss all excessive repeated, invalid, and unlawful charges and citations,**
- **Investigate the misconduct** of the Carrollton city officials.

(ROA. 03 Docket Sheet – Case 3:24-cv-03005-E-BN).

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- **U.S. Constitution: Amendments I, IV, V, VIII, XIV**
- **False Claims Act, 31 U.S.C. § 3729 et seq.**
- **Prosecutor Accountability Act (SB 825, TX, 2013)**
- **S.2197 – Fairness in Disclosure of Evidence Act**
- **Texas Rules of Civil Procedure 21b, 308.**
- **Texas Constitution, Art. I, §§ 9, 13, 19**

<i>U.S. Const. amend. IV</i>	Fourth Amendment
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<i>Fed. R. Civ. P. 8(a)</i>	Pleading Requirements
<i>Fed. R. App. P. 28</i>	Appellate Brief Requirements

28 U.S.C. § 1343(a)(3) and § 13315th Cir. R. 28.2.2 Jurisdictional Statement Rules

Cases

<i>Monell v. Dep't of Social Services</i>	436 U.S. 658 (1978)
<i>Timbs v. Indiana,</i>	139 S. Ct. 682 (2019)
<i>Buckley v. Fitzsimmons,</i>	509 U.S. 259 (1993)
<i>Mireles v. Waco,</i>	502 U.S. 9 (1991)
<i>Graham v. Connor</i>	490 U.S. 386 (1989)
<i>Terry v. Ohio</i>	392 U.S. 1 (1968)
<i>Gerstein v. Pugh</i>	420 U.S. 103 (1975)
<i>Malley v. Briggs</i>	475 U.S. 335 (1986)
<i>Franks v. Delaware</i>	438 U.S. 154 (1978)
<i>Connick v. Thompson</i>	563 U.S. 51 (2011)
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V. STATEMENT OF JURISDICTION

This Court has jurisdiction arises under the **Constitution and laws of the United States**, including **42 U.S.C. § 1983** civil rights action, alleging violations of her constitutional rights, including unlawful, excessive fines and unlawful arrests, abuse of process, denial of due process, and retaliatory conduct by municipal and judicial actors.

VI. STATEMENT OF THE ISSUES

This appeal raises the following constitutional and legal issues:

1. Whether the District Court erred in dismissing Plaintiff's claims under 42 U.S.C. § 1983 for violations of the Fourth, First, and Fourteenth Amendments by city officials who conducted charges base on warrantless arrests, unlawful citations, and retaliatory prosecution based on speech and petition activity. False arrest, retaliation, and civil rights violations, despite substantial evidence of warrantless arrests, code enforcement abuse, and coerced pleas, excessive fines, and unlawful charges.

2. Whether judicial and prosecutorial immunity were improperly applied to protect conduct outside the scope of official duties, including initiating false citations, entering private property unlawfully, and presenting knowingly false evidence in municipal court.

Whether the District Court improperly granted immunity to judicial and prosecutorial defendants where allegations of **misconduct, abuse of process, and unlawful coercion** were supported by factual records, recordings, and legal filings.

3. Whether the Plaintiff was deprived of due process and equal protection under the Fourteenth Amendment when denied the opportunity to defend against over 54 citations issued without investigation, evidence, or valid legal basis.

Whether the Plaintiff was denied **due process** where **motions, affidavits, and discovery requests** were ignored, and where her **pro se filings** were dismissed without proper review or hearing.

4. Whether retaliatory actions taken against Plaintiff—including arrests

without a warrant—constitute violations of clearly established constitutional rights under the First and Fourth Amendments. Whether the District Court erred in denying Plaintiff's **Emergency Motions** and failing to consider new evidence of **retaliation**, including a third arrest, harassing calls, and rejection of **community service** efforts.

5. Whether government officials and courts violated **due process** and **equal protection** by refusing to rule on **motions** and **appeals**, rejecting **community service completions**, ignoring pending filings, and failing to return **improperly collected fines** in violation of **Texas Constitution Art. I §§ 13, 19** and **U.S. Const. Amendments V and XIV**.

6. Whether the continued refusal to rule on Plaintiff's filings violates Plaintiff's access to courts, results in unlawful detention and monetary loss, and entitles Plaintiff to compensatory and punitive **damages under 42 U.S.C. § 1983**.

7. **Whether the District Court erred** in granting absolute or qualified immunity to municipal judges and prosecutors who acted outside the scope of judicial authority by:

- Fines from personally participating in the issuance and processing of **unlawful criminal citations**; Accepting **false, hearsay, and unverified evidence**; and
- Permitting **unauthorized investigations and unlawful arrests without warrant**.

8. **Whether Plaintiff's procedural and substantive due process rights were violated** under the **Fourth, Fifth, and Fourteenth Amendments**, where:

- **Charged for over excessive 54 criminal citations** were issued after illegal warrantless entries into Plaintiff's home;

9. Whether the District Court improperly dismissed the Complaint with prejudice without addressing:

- Plaintiff's sworn **Affidavits, Exhibits, and Motion to Proceed IFP**;
- The evidence of three separate **unlawful arrests** without warrants (July 2023, October 2023, July 2025); (ROA. 63-71 Exhibit vedios/audios)
- The **denial of community service**, coerced pleas, and threats of jail absent payments.

10. Whether the District Court failed to evaluate Plaintiff's well-pleaded claims under **42 U.S.C. § 1983** alleging:

- **Retaliation, abuse of power, and malicious prosecution** by city officials and judicial officers;
- **Pattern and practice of misconduct** carried out under color of state law.

VII. STATEMENT OF THE CASE

11. Background and Procedural History

This case arises from unlawful charges, excessive fines on repeated unlawful arrests, excessive and retaliatory over 54 citations imposed on Plaintiff by officials of the City of Carrollton, Texas. Plaintiff filed her civil rights action under **42 U.S.C. § 1983**, denial of due process in municipal court proceedings. Judges, prosecutors and officers

Meredith Lyon, Christopher Castro, Fabian Melo, Daimon Hail charged plaintiff based on these excessive unlawful criminal citations and forced her pay money.

- Video and audio recordings (ROA. 1–71 Exhibits) document these actions in detail.
- Despite submitting motions, objections, and extensive community service documentation, the **municipal court** imposed over **\$19,000 in fines** and denied all relief. Multiple **arrests occurred without a warrant**, including one on **July 9, 2025**, when Plaintiff was told, ***“You will see the warrant in jail,”*** and none was ever shown (ROA. Exhibits 62–65 in court recordings).

12. District Court Proceedings

Plaintiff filed her original federal complaint in **Case No. 3:24-cv-03005-E-BN**, alleging:

- **Fourth Amendment violations (warrantless arrest, unlawful search),**
- **First Amendment retaliation (speech and petition),**
- **Fourteenth Amendment due process violations,**
- **Prosecutorial and judicial misconduct,**
- **Fabrication of evidence and misuse of citations.**

Plaintiff was **wrongly charged**, fined, and arrested based on **citations not supported by evidence** such as those **involving alleged building violations, no construction was ever performed**—only minor household actions like hanging a curtain. Despite multiple **motions, video and audio recordings**, and court filings submitted by Plaintiff documenting **official misconduct**, the U.S. Magistrate Judge issued **Findings and**

Recommendations recommending dismissal of Plaintiff's case **without any review of the evidence** and while **ignoring dozens of pending motions**.

These unauthorized intrusions, which were captured on surveillance footage and documented through over 150 documents, 71 audios and videos exhibit, led to the issuance of charges for over **54 excessive criminal citations** for alleged code violations.

These citations escalated into **multiple criminal proceedings**, resulting in hearings held on **January 9, 2024; March 19, 2024; June 11, 2024; June 25, 2024; July 2, 2024; and July 9, 2024**. (See Exhibits 3–5.)

Plaintiff completed **187 hours** of approved community service, later **227 hours**, but all motions for credit or discharge of fines were **rejected**. Municipal judges repeatedly denied these motions and instead imposed **excessive fines** (\$2,000 per citation) and issued **multiple arrest warrants notice without legal basis**. Judges and prosecutors relied on **false, hearsay, and irrelevant evidence** to prosecute the citations and obstructed Plaintiff from defending herself during hearings.

VIII. STATEMENT OF FACTS

Plaintiff is a **homeowner in Carrollton who was charged for over 54 excessive criminal citations**, these citations were mailed to Plaintiff's home each at **\$2,000 in fine**— wrongful, excessive fines from illegal entered to plaintiff home. (**Judges, prosecutors and officers Meredith Lyon, Christopher Castro, Fabian Melo, Daimon Hail have been getting money from plaintiff over \$23,000.00 since 2019-2021 with**

excessive, unlawful citations. And now ongoing, these same Judges, prosecutors and officers have a plan to get \$108,000.00 in cash payment from plaintiff based on 54 excessive criminal citations were processed in criminal jury trials).

At trial, code officers **Ray Davis and Hector Romero** testified that **no permit was actually needed. Judge Meredith Lyon** acknowledged fines should be **\$500 by law, not \$2,000**, yet judges still entered judgment orders \$2,000 each and did not dismiss citations without violation evidence. And demanding full cash payment. See **(ROA. 1–3, 20–24 exhibits)**, and **(ROA. 26–39 videos/recording)**. **Videos and recordings show no construction, only City officials walking through her home recorded illegally** without a warrant or consent.

Unlawful charges, excessive fines for Code Officer **Hector Romero** issued **40 citations** against Plaintiff, all based on false allegations of unpermitted construction. However, he **did not appear or participate in trial for approximately 15 of these citations**, which were split across **separate trial settings**. These citations proceeded without the issuing officer present, **denying Plaintiff the right to cross-examine a key witness**, and resulting in **unjust convictions and excessive fines** for citations unsupported by testimony or evidence. This was a clear **due process violation and evidence retaliatory prosecution**.

Code Officer **Hector Romero**, who issued **approximately 40 citations** to Plaintiff, **testified during trial** that he was **only training at the time** and had been

instructed to practice writing citations as part of his training assignment. He **admitted under oath that he did not personally observe any violations**, and that he was **not qualified to determine violations** due to lack of experience. Carrollton Judges issued unlawful charges, excessive fines on these citations. These statements are captured in (ROA. 26-31 Exhibits trial recordings).

Supervisor Ray Davis also testified that Romero had no experience, was new and in training, and may have made mistakes in the issuance of citations. See (ROA. 36–39 Exhibits trial recordings).

Despite this, Plaintiff was **prosecuted and convicted** on all of the citations that Romero issued — including those in which **Romero did not appear for trial**. These convictions were obtained **without credible witness testimony, violating Plaintiff’s right to confront accusers**, and show **prosecutorial misconduct** by pushing forward baseless charges.

Here are the three citations in among 40 citations judges charged for 40 counts to **“No Building Permit”**:

- **Citation 20362** IRC Chapter 39, Sec E3909.1 My laptop with its power cord is always laying on the original built-in window between living room and dining room.
- **Citation 20369** IRC Chapter 3, Sec R310.1 No opening window for Emergency Escape in room KC with three big opening exit windows originally built in with the home in 1990 as the code officers admitted/confirmed in videos. (ROA. 12-13

videos exhibit).

- **Citation 20376** IRC Chapter 3, Sec R310.1 Emergency Escape: Bushes block windows room KC. These small landscape bushes do not block anything. **(ROA. 14 videos exhibit).**
- These three citations were cited on the same day with other citations on **December 9, 2022**, code officers went in the home on **December 8, 2022**, the official report made on **December 14, 2022**, stated **PASSED** but they mailed these citations to my home on **December 29, 2022**, **(Exhibits ROA. 8 and 10 documents).**

The prosecutor introduced untimed, unrelated and hearsay evidence. I was not allowed to talk or provide any evidence by the Judge in the courtroom, going to my defense. If you allow inculpatory evidence, then defendant must be allowed all exculpatory evidence, especially with the filed Brady violation. This is clear error by the Court. The prosecutor filed STATE'S MOTION IN LIMINE granted by the court.

Prosecutor Fabian Melo coerced Plaintiff into signing no-contest pleas under threat of **contempt from the court**. Judges ordered over **\$19,000 in fines**, ignored evidence, and **threatened additional jail**. In 2019–2021, Plaintiff was fined **\$23,000** more under similar unlawful conditions.

Plaintiff filed **numerous motions**—for **dismissals, community service, emergency relief, and appeals**—but courts and **officials refused to rule, denied hearings**, and failed to respond. This denied Plaintiff's **right to procedural due process**.

She seeks refund of all fines paid under invalid citations, compensation for wrongful arrests and jail, and constitutional protections from ongoing **retaliation**. See (ROA. 1–150 Documentations, ROA. 1-71 Videos and recordings).

In one instance, Appellant was forced to pay **\$3,400** in fines for unlawful and duplicate citations after **Code Officer Tim Roush** told her that payment would stop additional citations. However, even after this forced payment, the **mailing of citations continued**, showing a clear pattern of retaliation and extortion. (ROA.11a. 2 wrong 6p cita TRdigtrash Exhibit).

Despite this, the city and trial judges continued to prosecute Appellant for **non-existent violations**, multiplying the burden through **separate jury trials** rather than consolidating related charges. (ROA. 114b. 9.6.25 Fi25-10952 gui App Exhibit).

Appellant's **video and audio recordings** confirm these abuses. Marshal **Daimon Hail** admitted on camera that he had **“no warrant”** at the time of arrest. Other exhibits show **code officers walking through Appellant's home without lawful authority** and **judges refusing to allow the recordings to be played in court**, violating Appellant's right to present a defense.

The district court's dismissal failed to account for overwhelming evidence of **retaliation, due process violations, and excessive fines**.

a. Retaliation and Abuse of Authority

- Charges on over **54 excessive, unlawful, duplicate citations**, including **40 “no**

building permit” without construction, demonstrates a campaign of **targeted retaliation** rather than legitimate enforcement.

- Forcing Appellant into **multiple jury trials** on duplicate matters magnified the burden and expense, serving no legitimate government purpose.
- The \$3,400 forced payment under false assurances constitutes **extortion under color of law. (ROA. 11, 11a, 12. 2 wrong 6p cita TRdigtrash Exhibit)**

b. Denial of Due Process

- Trial courts denied Appellant the ability to present **critical video/audio evidence** showing officers’ misconduct and Marshal Hail’s warrantless arrests.
- This denial directly violated **Appellant’s constitutional right to present a complete defense.**

c. Excessive Fines and Cruel Punishment

- Under **Timbs v. Indiana, 139 S. Ct. 682 (2019)**, the Eighth Amendment prohibits excessive fines.
- Forcing payment of thousands of dollars in unlawful charges, excessive fines, plus repeated jury trial costs, was **grossly disproportionate to any alleged violation.**

d. Public Interest and Constitutional Rights

- The Fifth Circuit has recognized in cases like **Lozman v. City of Riviera Beach, 585 U.S. 108 (2018)** that retaliatory government actions aimed at silencing individuals are unconstitutional.

- Protecting citizens against **retaliatory citations, unlawful arrests, and excessive fines** is firmly in the **public interest**.

IX. ARGUMENT

A. The District Court Erred in Dismissing Claims of Warrantless Entry, Unlawful Arrests and Searches in Violation of the Fourth Amendment

The home is the **first among equals** in Fourth Amendment protection. *Payton*, 445 U.S. at 585. Officers may not enter the home or curtilage to enforce municipal codes without a warrant or exigency; regulatory inspections require consent or proper process. *See Brigham City, Kentucky v. King*.

The City's own evidence and testimony admit **no structural construction** and provide no exigency. (ROA. 2-8 videos exhibit). *Recordings show officers entering/remaining at the home and effectuating arrests without a warrant. (ROA. 10-20 (video/audio cites))*. On these facts, a reasonable jury could find Fourth-Amendment violations; qualified immunity failures where clearly established law prohibits warrantless entry/arrest absent exigency. *Harlow; Pearson*.

Plaintiff was arrested **three times without a warrant**. **On July 9, 2025**, a City Marshal **Dimon Hail** stated in the video that he **had no warrant** but arrested Plaintiff anyway (ROA. 66-71 videos Exhibits).

- **Three unlawful arrests without warrants** – supported by video/audio of Marshal Daimon Hail admitting “**no warrant**.”

- On **July 9, 2025**, Marshal Hail arrested Appellant outside her home with no warrant. He admitted this on video:

“I don’t need to show you the warrant; you’ll see it in jail.” (ROA.2763, Ex. 63).

- In a shocking statement, Hail further declared:

“No one cares about these records - you have 45 warrants.” (ROA.2771, Ex. 71).

This illustrates both the retaliatory and unlawful nature of the arrest.

The Fourth Amendment forbids government officials from entering a person’s home or seizing them without a warrant. *Steagald v. United States*, 451 U.S. 204 (1981). Marshal Hail’s repeated warrantless arrests, confirmed by his own statements on audio and video, demonstrate a **pattern of constitutional violations**.

These violations are not speculative but proven by **direct evidence in the Record on Appeal**. The District Court’s dismissal of these claims was therefore error, as no judicial or prosecutorial immunity shields officials from **bad-faith, warrantless arrests outside the scope of lawful authority**. *Mireles v. Waco*, 502 U.S. 9 (1991).

- **Charged on illegal entries into Appellant’s home** by code officers without consent, warrant, or probable cause.
- **Established precedent:** *Payton v. New York*, 445 U.S. 573 (1980) (warrantless entry into home violates the Fourth Amendment).
- **Relief:** Reversal is required because unlawful arrests and searches form a clear Fourth Amendment violation actionable under **42 U.S.C. § 1983**.

B. The District Court Erred in Failing to Address Retaliation Claims Under the First Amendment

To state a claim, Appellant must show protected activity, adverse action, and causation. *Nieves*, 587 U.S. at; *Hartman*, 547 U.S. at 260. Appellant complained to the city, sought review, and recorded public officials (protected activity). The city escalated citations and arrests thereafter (adverse action), and officials' statements/timing support causation. (ROA. 6-20 document). On the pleadings and evidence proffer, dismissal was error.

- **Charged on Over 54 unlawful, excessive and duplicative citations** were issued in **retaliation** for Appellant exercising her right to petition and defend her property.
- Multiple jury trials ordered instead of consolidation, magnifying harassment.
- **Relevant authority:** *Lozman v. City of Riviera Beach*, 585 U.S. 108 (2018) (retaliatory arrest/citations violate First Amendment even with probable cause).
- **Relief:** Reversal is warranted because these facts demonstrate **government retaliation intended to silence and punish Appellant.**

C. The District Court Ignored Clear Fourteenth Amendment Violations of Due Process and Equal Protection Were Denied

Due Process. *Mathews* requires fair procedures. Here, exculpatory recordings were not considered; discovery was uneven; and decisions relied on incomplete or incorrect facts.

(ROA. 20-28 documents exhibit). The suppression/ignoring of recordings also implicates **Brady**-type concerns where the city controlled material favorable evidence. On these allegations and proffers, at a minimum a remand is required to consider the recordings and conduct proper procedural analysis.

Equal Protection. Appellant plausibly alleged (and can show) selective, harsher enforcement compared to similarly situated residents. (ROA. 50-55 exhibit). The city has offered no legitimate explanation untethered to protected activity.

- **Denial of due process:** Trial courts refused to admit Appellant's **video/audio evidence** (showing Marshal Hail's no-warrant arrests and code officers' misconduct).
- **Arbitrary and selective enforcement:** Citations mailed without basis, repeated charges for non-existent violations, Romero's trial testimony confirming "training" only, Davis confirming no construction.
- **Precedent:** *Goldberg v. Kelly*, 397 U.S. 254 (1970) (right to present evidence is central to due process).
- **Relief:** The judgment must be reversed because the denial of a meaningful opportunity to defend against false charges violates fundamental fairness.

D. The Excessive, Duplicative, Disproportionate Fines Are Excessive and Coerced Payments, Violate the Eighth Amendment

The Eighth Amendment applies to municipal fines. *Timbs*, 586 U.S. 319; *Austin*, 509 U.S. 602. The fines and fees here—stacked and duplicative for the same alleged conduct, totaling ~\$19,000—are **grossly disproportionate** to any harm. (ROA. 72-80 exhibit). The district court erred by failing to analyze the **gravity-of-offense** and **individualized** factors required by **Timbs/Austin**.

- Appellant was forced to pay **\$3,400** under false promises by Officer Roush that no more citations would follow – but citations continued.

Additional thousands of dollars in fines imposed for duplicate charges and “no building permit” citations despite no work occurring.

- **Precedent:** *Timbs v. Indiana*, 139 S. Ct. 682 (2019) (Eighth Amendment applies to states and prohibits disproportionate fines).
- **Relief:** The coerced payments and excessive fines imposed are unconstitutional, requiring refund, reversal, and damages.

E. Immunity Does Not Bar Claims Where Officials Acted Outside Legitimate Authority and in Bad Faith

- The district court dismissed based on judicial/prosecutorial immunity.
- **Precedent:** *Mireles v. Waco*, 502 U.S. 9 (1991) – immunity does not apply when judges/prosecutors act **outside judicial capacity or in absence of jurisdiction**.
- Appellant alleged and supported with evidence that:
 - Judges threatened contempt if she refused to sign “no contest” pleas.

- Prosecutor introduced false and irrelevant evidence.
- **Relief:** Reversal required because immunity cannot shield **bad faith misconduct outside lawful authority.**

F. Unlawful Entries Into Appellant's Home

Appellant's security cameras recorded **code officers entering her home without consent, warrant, or court order** (ROA. 1-65 Exhibit). This conduct directly violated the **Fourth Amendment's prohibition on warrantless home entries.**

The Supreme Court has made clear that "the physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed." *Welsh v. Wisconsin*, 466 U.S. 740, 748 (1984). Here, the city repeatedly committed that very evil.

J. The District Court's Dismissal Ignores Binding Precedent

By dismissing Appellant's claims at the screening stage, the district court effectively immunized officials who admitted conducting that is unconstitutional on its face. Under *Anderson v. Creighton*, 483 U.S. 635 (1987), officials are not shielded by qualified immunity where the right violated was clearly established.

H. Remedy

Because the judgment rests on an **incomplete record** and legal errors, the Court should **vacate and remand** with instructions to:

1. **Transmit** the audio/video/voicemail exhibits under **FRAP 11(b)(2)** (or supplement under **FRAP 10(e)**);

2. Apply the correct **Fourth/First/Fourteenth/Eighth** standards on the complete record; and
3. Address municipal liability (**Monell**) and any remaining defenses on remand.

The Fifth Circuit should reverse the district court's dismissal and hold that Appellant has adequately pled and supported claims of **Fourth Amendment violations**. At minimum, the case should be remanded for trial so that the full evidence — including the audio/video recordings of Marshal Hail's admissions — may be considered by a factfinder.

**The District Court Erred in Failing to Address
Retaliation Claims Under the First Amendment**

The First Amendment guarantees the right “to petition the Government for a redress of grievances.” U.S. Const. amend. I. Retaliation against a citizen for exercising this right is unconstitutional. *Lozman v. City of Riviera Beach*, 585 U.S. 108 (2018).

Appellant was subjected to unlawful charges, excessive fines for **over 54 excessive and duplicative citations**, often for a “curtain” or “missing light bulb,” all issued shortly after she raised objections to City officials' misconduct in municipal proceedings. The retaliatory nature of these citations is proven by the Record on Appeal: (ROA.2729–2735, Exs. 29–35).

- Prosecutor Fabian introduced **false and irrelevant hearsay evidence** to secure convictions, with objections overruled by Judges Lyon and Castro (ROA.2746, Ex. 46; ROA.2750, Ex. 50).
- In one proceeding, Judge Christopher Castro explicitly threatened Appellant with **contempt of court** if she did not sign citations as *nolo contendere* (no contest) despite her objections and limited English proficiency (ROA.2749, Ex. 49).
- Audio recordings further show Judges and Prosecutor Melo **interrupting Appellant, turning off recorders, and refusing to allow her to present evidence**, in direct retaliation for her attempts to defend her rights (ROA.2758, Ex. 58).

This sustained campaign of Charges and citations, coercion, and threats was not a neutral enforcement of ordinances, but rather **retaliation for Appellant's protected activity** — speaking out against misconduct, challenging false citations, and seeking redress in court.

As in *Nieves v. Bartlett*, 587 U.S. 391 (2019), evidence of retaliatory motive is clear:

- Charged on citations were issued despite officers admitting **no violations existed**.
- Judges threatened punishment for refusing coerced pleas.
- Officials repeatedly silenced Appellant when she attempted to present her case.

Thus, the record establishes that Appellant's First Amendment rights were violated by a pattern of retaliation through unlawful citations and abusive court practices.

Such conduct goes beyond mere enforcement; it is **punishment for protected petitioning activity**.

The Supreme Court has made clear that even where probable cause arguably exists, a retaliatory motive can render enforcement unconstitutional. *Lozman v. City of Riviera Beach*, 585 U.S. 108 (2018) (city's scheme to retaliate against critic with repeated enforcement actions violates the First Amendment).

I. Multiple Jury Trials on Duplicate Charges Magnified Harassment

Rather than consolidating similar or duplicate unlawful charges, excessive fines, municipal judges forced Appellant into **separate jury trials** for different sets of citations. This multiplied Appellant's burden, costs, and exposure to punishment. Courts have recognized that government officials may not use **procedural tactics** to harass or chill constitutional rights. See *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963) (government cannot impose informal restraints to punish expression).

The use of fragmented trials for duplicate charges served no legitimate purpose. It was a form of **judicial harassment**, magnifying the chilling effect on Appellant's rights.

J. The District Court Ignored a Valid First Amendment Claim

The district court dismissed Appellant's complaint without recognizing these retaliation allegations. This was reversible error. Courts must construe pro se pleadings liberally, particularly when constitutional rights are at stake. See *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972).

The evidence, including unlawful charges, excessive fines for over **54 unlawful, excessive and duplicative citations, \$3,400 coerced payment**, and multiple

jury trials for over **\$19,000 in fines**, demonstrates retaliation that is actionable under the First Amendment.

K. Relief Requested

The Fifth Circuit should reverse and remand for trial on Appellant's **First Amendment retaliation claims**. At minimum, the Court should hold that Appellant has stated a valid claim that the barrage of unlawful citations and fragmented trials constituted unconstitutional retaliation for her exercise of the right to petition and defend her property.

The District Court Ignored Clear Fourteenth Amendment

Violations of Due Process and Equal Protection

The Fourteenth Amendment guarantees every citizen due process of law and equal protection. U.S. Const. amend. XIV. Appellant was systematically denied these rights throughout municipal court proceedings, as documented in the Record on Appeal.

✕ Denial of Fair Hearing

- Judges repeatedly **turned off courtroom recorders** when Appellant attempted to object to false testimony or present her own evidence (ROA.2758, Ex. 58).
- In multiple hearings, Appellant was **interrupted and silenced** by Judges Lyon and Castro while Prosecutor Melo was permitted to introduce irrelevant or hearsay evidence (ROA.2746, Ex. 46; ROA.2750, Ex. 50).
- Appellant was threatened with **contempt of court** unless she signed citations as *nolo contendere* (ROA.2749, Ex. 49).

✘ Rejection of Community Service

- Despite Appellant's completion of **187 hours of community service** — documented in audio and written submissions — Judge Castro rejected the hours outright (ROA.2759, Ex. 59).
- Appellant was heard turning in her hours every week over three months, but the court disregarded them (ROA.2760, Ex. 60).
- Judge Christopher ordered Marshal Hail to arrest Appellant directly in the courtroom for community service, refusing to credit the over 200 hours (ROA.2762, Ex. 62).

✘ Arbitrary and Unequal Treatment

- Officials admitted in testimony that **no violations existed** for many citations (ROA.2732–2735, Exs. 32–35; ROA.2741–2745, Exs. 42–45), yet Appellant was fined thousands of dollars while others in similar situations were not.
- This demonstrates unequal treatment and selective enforcement, amounting to retaliation and discrimination in violation of equal protection principles.

The denial of Appellant's right to be heard, the refusal to credit completed community service hours, and the arbitrary enforcement of baseless citations demonstrate a **systematic deprivation of due process and equal protection**. See *Goldberg v. Kelly*, 397 U.S. 254

(1970) (requiring meaningful opportunity to be heard); *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000) (equal protection violated by arbitrary government action).

The Record on Appeal confirms these constitutional violations with direct audio and video proof.

The **Fourteenth Amendment** guarantees both **procedural due process** and **equal protection of the laws**. Appellant's case demonstrates violations of both principles. Municipal officials and judges **denied Appellant the right to present critical evidence** and engaged in **arbitrary, selective enforcement** of code provisions. These actions deprived Appellant of fundamental fairness and equal treatment under law.

L. Denial of Due Process by Excluding Video and Audio Evidence

Appellant submitted multiple **audio and video recordings** (ROA. Exs. 1–72), proving key facts, including:

- Marshal Daimon Hail admitting he had “**no warrant**” at the time of arrest.
- Charged for Code officers entering Appellant's home without lawful authority.
- Officers confirm the absence of any construction requiring a permit.

Despite this direct evidence, **trial judges refused to allow the jury or court to hear these recordings**, silencing Appellant's defense. The Supreme Court has emphasized that the right to present evidence and be heard is a **core requirement of due process**. *Goldberg v. Kelly*, 397 U.S. 254, 270 (1970). The refusal to admit key defense evidence violated Appellant's **fundamental right to a fair trial**.

M. Arbitrary and Selective Enforcement of Code Provisions

Appellant was targeted with charges over **54 unlawful, excessive and duplicative citations**. Despite these admissions, the city continued prosecuting Appellant for false violations.

Such **arbitrary enforcement** is exactly what the Equal Protection Clause forbids. When government applies rules selectively and without rational basis, it denies citizens equal protection of the law. See *Yick Wo v. Hopkins*, 118 U.S. 356 (1886) (discriminatory enforcement of ordinances violates Equal Protection).

N. The District Court's Dismissal Overlooked Constitutional Mandates

The district court dismissed without acknowledging these due process and equal protection violations. This failure to engage with Appellant's evidence and claims is itself reversible error. Pro se pleadings must be liberally construed, and evidence of official misconduct must not be ignored.

O. Relief Requested

The Fifth Circuit should reverse and remand for trial on Appellant's **Fourteenth Amendment claims**, holding that:

- 1. Denying** admission of Appellant's video/audio evidence violated her right to **procedural due process**, and
- 2. Arbitrary** issuance of duplicate and false citations, despite testimony confirming no violation, denied her **equal protection under the law**.

**The Excessive, Duplicative, Disproportionate Fines Are Excessive
and Coerced Payments, Violate the Eighth Amendment**

The Eighth Amendment: Excessive Fines & Cruel Punishment

The Eighth Amendment prohibits the imposition of **excessive fines** and **cruel and unusual punishment**. U.S. Const. amend. VIII. The Record on Appeal demonstrates that Appellant was subjected to both, through repeated unlawful fines, coerced payments, and retaliatory arrests.

🕒 Excessive and Duplicative Fines

- Appellant was issued **over 54 citations in two days** in her private home (Dec. 8 and 14, 2022), many for the same alleged violation, with fines reaching thousands of dollars (ROA.2742–2743, Combined Exhibit Index, Exs. 1–3).
- The citation chart (ROA. Exhibit 3) documents the **54 unlawful charges** for “No Building Permit,” despite officers admitting no construction existed (ROA.2743, Ex. 3).
- Appellant was charged **\$2,000 per citation** in multiple duplicate cases, despite statutory maximums requiring reduction to \$500 (ROA.2722, Ex. 22).

👮 Coerced Payments

- Appellant was **forced to pay \$3,400 under threat of jail**, documented in filings and exhibits within the (ROA.2742–2745, Exs. 4–5; ROA.2759, Ex. 59).

- Judges and prosecutors refused to credit community service hours and instead demanded direct fines (ROA.2760, Ex. 60).

⚖️ Retaliatory Arrests in Place of Alternatives

- When Appellant requested community service in lieu of fines, Judge Christopher Castro ordered her arrest instead (ROA.2762, Ex. 62).
- Marshal Hail enforced these orders, arresting Appellant despite no valid warrant (ROA.2763–2765, Exs. 63–65).

These actions amounted to punishment **grossly disproportionate** to the alleged “violations,” especially given that no valid construction or rental violations were ever proven. See *Timbs v. Indiana*, 139 S. Ct. 682 (2019) (incorporating Excessive Fines Clause against the states).

The Record on Appeal proves that Appellant endured:

- **Over \$23,000 in fines** in 2019-2021. Over \$19,000 in 2022. Unlawful citations have been none stopping mail to her home. **Citation 22821** issued date: **July 07, 2025**, Ordinance Chapter 97 Sec 97.03 (ROA. 11a document)
- **A coerced \$3,400 payment** extracted through threats.
- **Arrest and jail** when she sought lawful alternatives.

Such penalties are excessive and unconstitutional under the Eighth Amendment.

The **Eighth Amendment** prohibits the imposition of “excessive fines” and punishments disproportionate to the alleged offense. In this case, Appellant has been subjected to **thousands of dollars in coerced and unlawful fines** arising from **unlawful, baseless excessive and duplicate citations**.

P. Coerced \$3,400 Payment Under False Promises

As documented in (ROA. **Exhibit 11a (Doc. 270)**), Appellant was forced to pay **\$3,400** after Code Officer **Tim Roush** assured her that doing so would stop further citations. Instead, the citations continued. This constitutes **extortion under color of law**, extracting money from a citizen under false pretenses.

Q. Threatened Judgment of Nearly \$19,089 in Fines

On **July 10, 2025**, the Carrollton Municipal Court issued a **fine notice** demanding nearly \$19,089 in payment by **July 24, 2025**, with explicit threats that failure to pay would result in **warrants** for Appellant’s arrest and surcharges of **\$50 per case**. This demand was tied to the very **unlawful, duplicate, excessive and baseless citations** challenged in this appeal.

The Supreme Court has held that the **Excessive Fines Clause** applies to state and local governments. *Timbs v. Indiana*, 139 S. Ct. 682 (2019). A fine is unconstitutionally excessive if it is **grossly disproportionate** to the gravity of the offense. Here, the fines were not merely disproportionate; they were imposed for **non-existent violations**, magnified by **duplicate prosecutions and judicial threats**.

R. Excessive Fines Used as a Tool of Retaliation and Coercion

The unlawful charges, excessive fines for **54 unlawful citations**. By stacking fines into the tens of thousands of dollars and threatening imprisonment, officials sought to **coerce compliance** and silence Appellant's exercise of constitutional rights.

S. Relief Requested

The Fifth Circuit should reverse the district court's dismissal and hold that Appellant has stated a valid claim under the **Eighth Amendment's Excessive Fines Clause**. At minimum, the case should be remanded for trial, with instructions that fines and coerced payments be subject to refund and damages considered.

Immunity Does Not Bar Claims Where Officials Acted Outside Legitimate Authority and in Bad Faith

The district court dismissed Appellant's claims in part by relying on **judicial and prosecutorial immunity**. While immunity protects judges and prosecutors for legitimate acts within their official capacity, it does not extend to **bad faith actions taken outside lawful authority**. Appellant presented specific allegations and evidence showing that officials acted **in the clear absence of jurisdiction** and in ways that no immunity doctrine can shield.

T. Judicial Misconduct Beyond the Scope of Judicial Function

Appellant was repeatedly threatened with **contempt of court** if she did not sign **nolo contendere (no contest) pleas** to multiple unlawful, excessive, duplicate citations. Judges also denied Appellant the right to present **video and audio evidence** critical to her

defense. These acts were not neutral adjudications; they were efforts to coerce unlawful outcomes and silence evidence.

The Supreme Court has recognized that judicial immunity does not apply when judges act in the **clear absence of jurisdiction**. *Mireles v. Waco*, 502 U.S. 9, 12 (1991). Forcing a litigant into coerced pleas and denying fundamental trial rights fall outside the bounds of judicial capacity.

U. Prosecutorial Misconduct Beyond Legitimate Advocacy

Prosecutors introduced **false and irrelevant evidence** and pursued charges based on **unlawful, duplicate, baseless, excessive citations** even after city officers admitted under oath that no violations had occurred. Such conduct is not protected “advocacy” but rather **malicious abuse of prosecutorial power**.

Courts have held that prosecutorial immunity is limited when actions are **investigative or administrative in nature** rather than advocative. *Burns v. Reed*, 500 U.S. 478, 494 (1991). Here, prosecutors functioned as investigators of false claims, introducing fabricated or irrelevant evidence outside legitimate duties.

V. Relief Requested

The district court erred by dismissing Appellant’s claims under the blanket of immunity. This case presents **specific evidence of bad faith actions** taken outside lawful authority. Immunity doctrines cannot be stretched to cover **extortion, coercion, denial of due process, and retaliation**.

The Fifth Circuit should reverse the district court's application of immunity and remand with instructions that Appellant's claims proceed to discovery and trial.

13. Plaintiff's Constitutional Rights Were Violated by Unlawful Arrests

Three warrantless arrests violate the Fourth and Fourteenth Amendments. *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991).

14. Coerced Pleas and Due Process Violations

The record shows that Plaintiff was **forced to sign multiple "no contest" (nolo contendere) pleas under threat of contempt** by Prosecutor **Fabian Melo** and other city officials. Plaintiff did not understand the legal consequences due to **language barriers** and lack of legal representation at the time.

The **Due Process Clause of the Fifth and Fourteenth Amendments** prohibits coercive conduct by prosecutors and courts. The threat of contempt to extract a plea—particularly from a self-represented individual with limited English proficiency—violates *Boykin v. Alabama*, 395 U.S. 238 (1969), which requires a voluntary, knowing, and intelligent plea.

These coerced pleas are **invalid** and must be **set aside**. The continued enforcement of these plea-based convictions and fines constitutes **ongoing due process violations**.

15. Improper Immunity Rulings

The lower court's decision to dismiss Plaintiff's claims based on **judicial or**

prosecutorial immunity was premature and incorrect. Immunity does not apply when officials act **outside the scope of their judicial role**, especially in cases of **retaliation, unlawful arrest without warrant, or abuse of discretion**.

Citing Mireles v. Waco, 502 U.S. 9 (1991), judicial immunity does not apply where there is a **complete absence of jurisdiction**. Officers and prosecutors acting with retaliatory or discriminatory intent may be liable under **42 U.S.C. § 1983**, as established in *Imbler v. Pachtman*, 424 U.S. 409 (1976).

Therefore, the court's blanket dismissal of Plaintiff's claims violated clear Supreme Court precedent and deprived Plaintiff of a meaningful hearing. Immunity does not shield collusion or bad faith acts. See *Berger v. United States*, 295 U.S. 78 (1935).

16. Denial of Opportunity to Be Heard

Plaintiff filed over **20 motions** requesting community service, suppression of unlawful citations, and relief from fines, but **the courts refused to rule on many of them**, leaving them pending indefinitely. The failure to rule constitutes a violation of **Plaintiff's right to be heard** under *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Plaintiff was also **not permitted to fully present evidence**, including critical **video and audio recordings** contradicting the testimony of city code officers. Plaintiff was threatened with **contempt for attempting to play these recordings in court**, a clear due process violation and **judicial abuse of power**. (ROA. 49-53 Exhibit).

The **right to a fair hearing** is guaranteed under the **Fourteenth Amendment**,

and Plaintiff was systemically denied this right. and refusals to consider new evidence violate *Mathews v. Eldridge*, 424 U.S. 319 (1976).

17. Sanctions Are Justified for Discovery Failures

Plaintiff submitted multiple **requests for evidence, records, permits, and proof of warrant authorization**, but received no **discovery compliance** from the city. The court refused to compel production despite Plaintiff's documented requests and motions.

Under **Federal Rule of Civil Procedure 37** sanctions apply. And **Texas Rules of Civil Procedure 21b**, such failures warrant sanctions or default judgment where a party obstructs the discovery process. The city's refusal to turn over critical materials - including the **alleged building permit violations, videos of code officers entering the home, and internal communications**—was prejudicial and unlawful. The lower court's failure to enforce Plaintiff's discovery rights denied her the ability to present a complete defense.

18. Violations of Law for Refusal to Rule on Pending Motions

Failure to rule on motions violates Texas Constitution **Art. I, §§ 13** (open courts), **19** (due course of law), and U.S. **Constitution Amendments V and XIV**. Court officials and city actors caused Plaintiff emotional harm, repeated arrests, loss of freedom, and financial ruin.

Plaintiff filed dozens of formal motions, including:

- **Motions to Set Aside Nolo Contendere Pleas**

- Motions to **Suppress Evidence of Unlawful Citations**
- Motions for **Community Service** in lieu of fines
- **Emergency Motions to Stay Arrest or Enforcement**
- Notices of Appeal for **multiple case numbers**

Despite this, **the court failed to issue rulings or respond**. This violates Plaintiff's rights under the **Texas Constitution Article I, Section 19**, and **Texas Government Code § 133.103**, which require due process and judicial review before imposition of penalties or enforcement.

The refusal to rule amounts to **constructive denial**, causing severe prejudice and **continuing injury**. This non-response violates both **state and federal law**.

19. Penalty for Failure to Respond to Community Service and Appeal Motions

Plaintiff completed over **227 hours of court-approved community service** across several charitable organizations, including:

- Martin Luther King Jr. Center
- North Texas Food Bank
- Metrocrest Services
- Keep Lewisville Beautiful
- City of Lewisville Parks

Despite providing **certified proof**, **the courts refused to credit or respond** to these motions, demanding money payments instead. This contradicts **Texas Code of**

Criminal Procedure Art. 45.049, which allows community service in lieu of fines for those with hardship.

This conduct by the court and city officials constitutes **malicious prosecution**, and the **continued threat of arrest** for fines already addressed through community service violates the **Eighth Amendment's prohibition on excessive fines and cruel punishment**.

The **City of Carrollton, Municipal Court**, and named Defendants have violated **constitutional and statutory law** by **failing to rule** on motions properly and timely filed, including motions for **community service, notice of appeal, and relief from unlawful arrests**. This conduct violates:

- **U.S. Constitution, Amendments V and XIV** – guaranteeing **due process and equal protection**.
- **Texas Constitution, Art. I §§ 13 and 19** – guaranteeing **open courts and due course of law**.
- **Texas Government Code § 133.103** – limiting excessive fines and requiring due notice.
- **Texas Rules of Civil Procedure 308 and 21b** – which mandate courts to **rule on motions** timely and ensure due notice of hearings or sanctions.

Defendants' prolonged **inaction** has resulted in:

- **Unlawful detention and arrest threats** despite pending community service requests;
- **Retention of fines paid under void or retaliatory citations;**

- **No judicial review** of appeals filed within the appropriate time limits;
- **Failure to respond to constitutional objections** raised on the record.

This behavior constitutes:

- **Obstruction of justice**
- **Denial of access to courts,**
- **Retaliatory abuse of authority;**
- **Failure to return unlawful payments and to dismiss invalid charges.**

As a result, Plaintiff respectfully requests:

- **Refund of all fines paid on invalid citations;**
- **Compensation for all time served in jail for non-criminal offenses;**

Plaintiff also seeks a meaningful opportunity to present all **video, audio, documents, threat voicemails, and testimony** in a proper trial setting to demonstrate **the full scope of misconduct and harm caused.**

20. The continued **refusal to rule** on Plaintiff's motions—including motions for **community service, motions to set aside convictions, and notices of appeal—constitutes violation of constitutional rights and abuse of government power.**

Relevant legal violations include:

- **U.S. Constitution, Amendments V and XIV – Due Process, Equal Protection;**
- **Texas Constitution, Art. I §§ 13 and 19 – Open Courts, Due Course of Law;**
- **Texas Government Code § 133.103 – prohibits excessive fines and requires due**

notice;

- **Texas Rules of Civil Procedure 21b and 308** – courts must **respond to motions** and act **equitably**.

The **Municipal Court, City of Carrollton**, and **state officials** have:

- Ignored motions for relief and failed to provide hearings;
- Refused to acknowledge or rule on pending **appeals** or motions to vacate judgments;
- Retained money Plaintiff paid under **coerced or void citations**, amounting to **financial abuse**;
- Issued **warrant threats** and jailings despite community service motions pending;
- Caused **severe emotional distress**, including fear, trauma, and physical illness.
- **Violated Plaintiff's rights** by failing to dismiss or discharge charges, fines, and citations where **no violation or evidence existed**.

Plaintiff respectfully demands:

- **A full refund of all money paid under invalid citations**;
- **Monetary compensation** for all unlawful time spent in jail without proper legal cause;
- Restitution for court and enforcement costs stemming from **abuse of authority**;
- An opportunity to present in open trial the full record of **video, audio, documents, and threatening voicemails** that demonstrate misconduct.

Plaintiff respectfully requests damages pursuant to **42 U.S.C. § 1983**, the **False Claims**

Act, and state constitutional claims for:

- **Three unlawful arrests without warrants**, including July 9, 2025, caught on video
- **Over \$19,000 in unlawful fines** under citations lacking any proof of violation
- **More than 227 hours of rejected community service**
- **Dozens of unanswered motions and ignored appeals**
- **Emotional distress**, pain, suffering, and long-term harm from ongoing retaliation

The pattern of **official misconduct**, refusal to rule on filings, and **intentional harm** inflicted on Plaintiff through the legal process constitutes **gross abuse of public office** and warrants reversal, full review, and compensatory relief.

21. Fraud and Irregularities in Signed Citations

This Court should take judicial notice of these irregularities, as they go to the **validity of the underlying citations**, the **credibility of the City's officers**, and the **integrity of the judicial process**. Relief and reversal are warranted on these grounds alone.

X. SUMMARY OF THE ARGUMENT

This appeal arises from a pattern of **retaliation, false arrests, and excessive fines for wrongful charges** carried out under color of law by municipal officials in Carrollton, Texas.

The district court dismissed Appellant's claims without fully considering the overwhelming evidence of **constitutional violations**. By disregarding the record, including trial testimony from city officers admitting that no permit was required and that

citations were issued during “training,” the court failed to recognize violations of the **Fourth Amendment (unlawful arrests and searches)**, the **Fourteenth Amendment (due process and equal protection)**, the **First Amendment (retaliation for protected petitioning activity)**, and the **Eighth Amendment (excessive fines and coerced payments)**.

Plaintiff presented substantial proof of three unlawful arrests without a warrant, coerced no-contest pleas, and harassment and retaliation carried out by City officials. These actions violated constitutional rights under the **Fourth, Fifth, and Fourteenth Amendments**.

The record—bolstered by video, audio, and court transcript exhibits—demonstrates that:

22. Defendants violated Plaintiff’s clearly established constitutional rights under the Fourth Amendment by executing three warrantless arrests, conducting searches without consent, and entering private property without probable cause or a judicial order. These are not protected acts under judicial or prosecutorial immunity.

23. The court incorrectly applied absolute immunity to cover conduct outside judicial or prosecutorial functions. **Knowingly introducing false evidence**, retaliating against speech, and directing officers to issue fraudulent citations are **administrative or investigative acts** that fall outside protected immunity.

24. Plaintiff’s First Amendment rights were chilled when she was arrested after filing court objections and motions. This retaliation directly followed protected speech in a public forum—court filings—and was meant to discourage further complaints.

25. No lawful basis existed for the citations or arrests. Unlawful excessive Fines for Many citations lacked notice, evidence, or inspection. Arresting Plaintiff and imposing fines with no warrant or due process constitutes a **clear deprivation of liberty** and property interests.

26. The federal court failed to address or consider Plaintiff's extensive exhibits, including 71 pieces of direct evidence showing no violation occurred and that officials acted with personal bias and retaliatory intent.

27. This case is not barred by Heck v. Humphrey or Younger abstention, as Plaintiff is not challenging a conviction but asserting independent constitutional violations that are actionable under **42 U.S.C. § 1983.**

The district court erred in dismissing Plaintiff's civil rights claims where overwhelming evidence was presented showing unlawful conduct by code enforcement officers, judicial officers, and municipal prosecutors acting outside the bounds of lawful authority. The issuance of **54 excessive citations** for wrongful charges based on **unauthorized home entries**, followed by warrantless arrests and retaliatory criminal trials, constitutes violations of Plaintiff's **Fourth, Fifth, and Fourteenth Amendment** rights.

Judges and prosecutors are **not entitled to immunity** when they:

- **Participate in or direct unlawful investigations;**
- **Accept and rely on false or hearsay evidence in criminal proceedings;**
- **Issue excessive fines and deny community service arbitrarily;**

- **Cause arrests without warrants or probable cause.**

The district court failed to consider the **extensive record** of audio, video, and documentary evidence submitted by Plaintiff. Instead, it dismissed the case prematurely without addressing the merits of Plaintiff's claims or the unconstitutional pattern of abuse and retaliation.

This Court should reverse the district court's judgment, remand for full consideration of the evidence and legal claims, and ensure Plaintiff receives the due process and equal protection guaranteed under the U.S. Constitution.

For these reasons, the judgment below should be reversed and the case remanded for full consideration of the constitutional violations proven in the record

XI. LEGAL ARGUMENT AND AUTHORITIES

a. Fourth Amendment: Warrantless Arrests and Searches

Plaintiff was arrested without a warrant on three occasions, violating the **Fourth Amendment** as established in *Payton v. New York*, **445 U.S. 573 (1980)**.

b. First Amendment: Retaliation and Citations

Charged for over **54 excessive and duplicate citations** were issued as retaliation for Plaintiff's exercise of her right to petition the courts, violating *Lozman v. City of Riviera Beach*, 585 U.S. 108 (2018).

c. Fourteenth Amendment: Due Process and Equal Protection

The denial of Plaintiff's ability to present video/audio evidence, and the

arbitrary issuance of citations, violated *Goldberg v. Kelly*, 397 U.S. 254 (1970).

d. Eighth Amendment: Excessive Fines and Cruel Punishment

Forcing Plaintiff to pay over \$23,000, including a coerced \$3,400 payment, was disproportionate and unconstitutional under *Timbs v. Indiana*, 139 S. Ct. 682 (2019).

e. Immunity Misapplied

Judicial and prosecutorial immunity does not apply where officials act outside judicial capacity or in bad faith. *Mireles v. Waco*, 502 U.S. 9 (1991).

28. Defendants Failed to Present Any Evidence Supporting the 40 Criminal Citations for “No Building Permit”

The City of Carrollton charged Plaintiff with **40 criminal violations** for “No Building Permit” allegedly occurring on **December 9 and 14, 2022**, yet **produced no evidence of any construction activity, remodeling, structural changes, or any situation requiring 40 distinct building permits** under applicable law.

✦ Legal Standard: Under both **Texas Municipal Code** and **Carrollton Building Code**, charges on citations for lack of a permit require:

- **proof of actual construction or modification,**
- **identification of the area or structure under regulation,** and
- **evidence that a permit is legally required for the alleged work.**

None of the 40 citations met this standard. (ROA. D1–D18 trials records) and court transcript recordings Ray Davis, Hector Romero testified that **no violations occurred** and

that many citations were based on personal assumptions or misinterpretation of ordinary household items such as curtains.

**29. The City Must Justify charge on Citation 21556 – “Unregistered Property Rental”
– With Admissible Evidence**

Citation #21556, issued for “Unregistered Property Rental,” was **based solely on speculation, false testimony**, and irrelevant photos of doors labeled with the letter “K.” Plaintiff and her family—including her **active-duty Navy son**—have lived continuously at the home and have **never leased the property for rental purposes**.

There was **no lease**, no payment record, no advertisement, no tenant testimony, and no evidence showing use of the home as a rental. Despite Plaintiff’s objections to all **hearsay and irrelevant Pictures of letter K**, the municipal court admitted this citation and imposed \$500 from \$2,000 in fines, on criminal trial, charge violating Plaintiff’s **due process and First Amendment rights**.

✦ Constitutional Authority: Under **42 U.S.C. § 1983**, the government bears the burden to justify any restriction on liberty or property. Charges on **False citation based on housing assumptions and room labeling** is not lawful evidence. See *Monell v. Dept. of Social Servs.*, *436 U.S. 658 (1978)*.

30. Defendants Must Produce Legal Authority for Personal Investigations and Signing Official Documents Without Delegated Authority

Charged based on city officials including **Ray Davis, Hector Romero, and**

Tim Roush testified to **personally entering Plaintiff's home**, inspecting rooms, and issuing citations without consent or warrant. Plaintiff demands that Defendants **produce lawful authority under city charter or administrative law**.

✦ **Case Law:** See *Lopez v. Houston*, 648 F. App'x 781 (10th Cir. 2016), where government officials were denied qualified immunity for entering property and issuing citations without proper delegation and lawful cause.

31. Immunity Does Not Apply to Administrative and Investigatory Misconduct

The district court erroneously extended **judicial and prosecutorial immunity** to actions outside courtroom adjudication. Courts have consistently held that:

Defendants knowingly signed and executed false charges from excessive, unlawful, duplicate citations. **Investigative actions**, such as conducting searches, issuing field citations, or entering homes, are **administrative** and not protected by absolute immunity.

- **Filing charges without probable cause**, especially in retaliation for speech or legal filings, is a violation of **clearly established constitutional rights**.

✦ ***Buckley v. Fitzsimmons***, 509 U.S. 259 (1993) clearly holds that prosecutors engaged in **investigatory or administrative acts** are not immune from suit under § 1983.

32. District Court Failed to Consider Plaintiff's Motions and Evidence

The magistrate's findings and recommendations disregarded over 71 audio/video exhibits and 150 documentation exhibits. No hearing was granted. The record shows repeated constitutional violations requiring review on the merits.

33. The District Court Erred in Dismissing the Case Without Considering Substantial Constitutional Violations Under 42 U.S.C. § 1983

Plaintiff's Complaint and Amended Complaint clearly asserted claims under **42 U.S.C. § 1983**, alleging that municipal officials, prosecutors, and judges acting in their personal capacities violated her constitutional rights by:

- Entering her private residence without a warrant,
- Charged over **excessive 54 baseless criminal citations** without probable cause,
- Conducting repeated **retaliatory prosecutions**,
- Arresting Plaintiff **without valid warrants or court orders**,
- Imposing **excessive fines** and denying alternatives such as **community service**.

Under **Monell v. Department of Social Services, 436 U.S. 658 (1978)**, municipalities and their officials may be held liable where policies, customs, or deliberate actions result in constitutional violations. The evidence presented by Plaintiff — including **71 audio/video recordings and over 150 supporting documents** — details a sustained and unlawful pattern of enforcement abuse and retaliation, sufficient to survive dismissal.

34. The Unlawful Entry and Warrantless Searches of Plaintiff's Home Violated the Fourth Amendment

Charges based on the only **legally authorized search warrant** was executed on **December 8, 2022**, based on false document which found **no violations** (ROA. 26 Exhibit). Despite this, citations were mailed after the case was closed, with no new

evidence or lawful basis. These actions directly violate **Camara v. Municipal Court, 387 U.S. 523 (1967)**, which held that administrative searches of residences require consent or a valid warrant.

35. Plaintiff's Warrantless Arrests Were Unlawful and Retaliatory in Violation of the Fourth and Fourteenth Amendments

Plaintiff was arrested at least **three times** — including **July 9, 2025**, where Marshal Daimon Hail admitted on video that there was **no warrant** (ROA. 66-71 Exhibit videos/recording) in violation of the **Fourth and Fourteenth Amendments**. See **Lozman v. City of Riviera Beach, 138 S. Ct. 1945 (2018)** (retaliatory arrest in the absence of probable cause violates First and Fourteenth Amendment protections). Arrests here were made **after Plaintiff filed federal lawsuits**, adding to the claim of retaliatory motive.

36. Denial of Community Service and Imposition of Excessive Fines Violated the Eighth and Fourteenth Amendments

Plaintiff submitted **187 verified hours of community service** and formally requested alternative disposition due to poverty. The municipal court not only **denied these requests without explanation** but imposed **fines as high as \$2,000 per citation** — well beyond the statutory maximum for municipal infractions (ROA. 9, 12, 24 Exhibits).

The **Eighth Amendment** prohibits excessive fines. In **Timbs v. Indiana, 139 S. Ct. 682 (2019)**, the Supreme Court confirmed that this protection applies to the states. The imposition of excessive fines, **without considering Plaintiff's indigence**, violates

both the Eighth Amendment and procedural due process under the Fourteenth Amendment.

37. Judicial and Prosecutorial Immunity Do Not Apply to Non-Judicial Acts and Misuse of Investigatory Powers

While judicial and prosecutorial immunity protect officials from liability for acts within their core functions, those protections **do not apply** when:

- Prosecutors direct or perform investigative tasks (e.g., **ordering personal investigations**),
- Judges participate in enforcement, deny rights without hearings, or act beyond judicial scope,
- Officials act maliciously or in bad faith to target litigants engaged in legal redress.

See **Mireles v. Waco, 502 U.S. 9 (1991)** (judges not immune for nonjudicial actions); **Buckley v. Fitzsimmons, 509 U.S. 259 (1993)** (prosecutors not immune for investigative conduct). Plaintiff's filings cite these officials' active role in directing code enforcement, accepting **hearsay**, issuing **false citations**, and **refusing to respond to legal motions** — all outside traditional judicial/prosecutorial duties.

38. The District Court Failed to Consider the Extensive Evidentiary Record Supporting Plaintiff's Claims

Plaintiff submitted more than **71 audios/videos**, and **150 documents exhibits of evidence**, including:

- **Court transcripts** from criminal hearings (ROA. 3–5 Exhibits),
- **Security footage and voice recordings** (ROA. 1, 17, 18, 24 Exhibits),
- **False reports and fabricated documentation** from city officials (ROA. 10 Exhibits),
- **Proof of retaliatory fines and citations** after closing of code cases (ROA. 8, 26 Exhibits).

Rather than evaluating the evidence under **Rule 12(b)(6)** or applying the proper standard for summary judgment, the district court prematurely dismissed the action and failed to recognize **plausible claims** under **Twombly/Iqbal** standards. This denial of review constitutes reversible error.

XII. CONCLUSION AND RELIEF REQUESTED

Plaintiff-Appellant **Huong Gilmer Giaccio** respectfully prays that this Honorable Court will **reverse the lower court's judgment, vacate the wrongful fines and convictions, and remand the case for proper adjudication or dismissal.** The City of Carrollton and its officials violated **39. Plaintiff's constitutional rights through:**

- **Warrantless arrests,**
- **Charges from Unlawful, excessive, duplicate citations,**
- **Improper prosecution and coercion,**
- **Due process violations, and**
- **Refusal to rule on motions or consider evidence.**

This appeal presents a clear pattern of **government misconduct, judicial bias, and abuse of power**. The City failed to follow basic rules of fairness and justice. Plaintiff was punished without cause, arrested without warrant, denied a fair trial, and retaliated against for exercising her rights.

As a **pro se litigant**, English as a second language, Plaintiff did everything possible to comply with the law, submit motions, and seek relief — yet her pleas were ignored. This Court is her final protector.

40. Plaintiff respectfully requests:

- **Full reversal of judgments,**
- **Dismissal of all unlawful charges and citations,**
- **Refund of all fines paid under duress,**
- **And injunctive relief to prevent further retaliation or arrest while her **appeal and motions are pending.****

Justice demands that this case not be buried. Plaintiff has **videos, documents, trial recordings, and sworn records** proving what was done to her. She asks for the opportunity to show them in a fair hearing.







41. Plaintiff respectfully requests this Court:

- **Remand** for discovery and trial
- **Sanction** Defendants for discovery failures
- **Grant protective relief** from further retaliation

Order compensation between **\$1,000,000 and \$5,000,000** for damages from repeated arrests, unlawful jailings, ignored motions, refusal to refund fines, and ongoing emotional trauma

XIII. RELIEF REQUESTED

For the reasons stated above, and based on the overwhelming evidence in the **Record on Appeal**, Appellant respectfully requests that this Court grant the following relief:

-  **Vacate all unlawful citations and fines** (over 54 excessive citations and more than \$23,000 in forced fines).
-  **Order restitution and return of coerced payments**, including the **\$3,400 payment** extracted under threat of jail.
-  **Acknowledge and review the video/audio exhibits** (ROA.2762–2771) proving warrantless arrests and judicial retaliation.
-  **Expunge Appellant's three unlawful arrests** (July 9, 2025, and prior arrests documented in ROA).
-  **Grant injunctive relief** preventing further retaliation, arrests, or citations while this appeal is pending.
-  **Award compensatory and punitive damages** for false arrests, retaliation, excessive fines, and emotional distress.

Appellant respectfully requests that this Court reverse the district court's dismissal, vacate unlawful citations and fines, order expungement of unlawful arrests, award compensatory and punitive damages **under 42 U.S.C. § 1983**, grant injunctive relief preventing further retaliation, and reassign the case to a different judge upon remand.

a. Refund of coerced fines and payments;

b. Injunctive relief to prevent further unlawful arrests and citations;

c. Compensatory and punitive damages under 42 U.S.C. § 1983;

d. Any other relief this Court deems just and proper.

42. In the United States Court of Appeals for the Fifth Circuit for the reasons detailed above, **Appellant Huong Gilmer Giaccio** respectfully requests that:

43. Declare that Defendants' Actions Violated Clearly Established Rights, including:

- **Fourth Amendment** (Unlawful Search and Arrest),
- **First Amendment** (Retaliation and Suppression),
- **Fourteenth Amendment** (Due Process and Equal Protection),

44. Award Damages and Injunctive Relief, as follows:

- Compensatory damages for emotional distress, unlawful arrests, and deprivation of liberty and property rights; **between \$1,000,000 and \$5,000,000 under 42 U.S.C. § 1983, the Texas Constitution**, and other applicable civil rights statutes consistent with *Carey v. Phipus*, 435 U.S. 247 (1978), and applicable federal standards.
- Punitive damages for reckless disregard of constitutional limits;

- Injunctive relief to **prohibit further arrests, fines, or prosecutions** related to the same unlawful citations or code enforcement actions while this case is pending or resolved;

45. Order the Immediate Expungement or Vacatur of All Municipal Convictions Fines and Citations issued under the improper investigations.

46. Order Judicial Reassignment on remand to ensure impartial proceedings and prevent further retaliation;

- **Reverse the Dismissal with Prejudice**

Reverse the district court's final judgment dismissing this case with prejudice, as it was based on erroneous factual findings, misapplication of law, and a failure to review substantial evidence of constitutional violations and misconduct.

- **Remand for Further Proceedings**

Remand the case to the United States District Court for the Northern District of Texas for proper consideration of the Plaintiff's Amended Complaint, motions, and over 200+ exhibits including security videos, official reports, citations, and audio recordings documenting unlawful enforcement, warrantless arrests, and judicial/prosecutorial misconduct.

- **Review and Consider All Filed Evidence**

47. Order the District Court to formally review and acknowledge the Plaintiff's:

- (ROA. 71+ audio/video exhibits).

- (ROA. 150+ document exhibits).
- multiple timely motions, affidavits, and objections;
- requests for community service;
- motions for injunctive relief, suppression, and dismissal;
- and constitutional challenges under 42 U.S.C. § 1983 and related federal statutes.

48. Grant Leave to Proceed In Forma Pauperis on Appeal

Recognize Plaintiff-Appellant's indigent status, financial hardship, and grant continued leave to proceed in forma pauperis under 28 U.S.C. § 1915 for all appellate actions and filings, including transcript access and future motions.

49. Grant All Further and Just Relief

Appellant respectfully asks this Court to **vacate** the judgment and **remand** for further proceedings consistent with this brief, including transmission/consideration of the media exhibits.

Grant any additional relief as justice may require, including **appropriate sanctions**, **injunctive protection**, and **oversight orders** to prevent ongoing retaliation, abuse of power, or denial of access to courts, consistent with the **Fifth and Fourteenth Amendments of the U.S. Constitution**.

XIV. APPENDIX / EXHIBIT INDEX

Exhibits 1–71 (Audio/Video Recordings):

These recordings serve as direct evidence of:

- Unlawful warrantless arrests,
- Improper personal investigations,
- False testimony by Ray Davis, Tim Roush, Hector Romero, and others,
- Misconduct in issuing citations without evidence,
- False courtroom statements, and
- Suppression of Plaintiff's objections and rights at hearings.

A complete **Exhibit Index** with all 71 files has been submitted under a consolidated exhibit titled:

“Combined Audio/Video Evidence Index – Exhibits 1–71”

Supporting Documents Exhibits 1–120 include:

- Filed Motions, Affidavits,
- Notices to the FBI, DOJ, and other agencies,
- Community Service Records,
- Jail Records from all three unlawful arrests,
- Transcripts and summary notes of hearings. Official reports
- 56 issued citations, 40 Sworn false documents

These documents are part of the official court record and have been referenced throughout this brief.

XV. CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of **FRAP 32(a)(7)(B)** because it contains **fewer than 13,000 words** (exclusive of exempt sections). It complies with **FRAP 32(a)(5)–(6)** because it uses a proportionally spaced typeface, 14-point Times New Roman.

/s/ **Huong Gilmer Giaccio**

CERTIFICATE OF SERVICE

I hereby certify that on **October 12, 2025**, a copy of the foregoing Appellant's Brief, Record Excerpts Index, and Cover Letter were served by E-File on all parties of record in this appeal and email it to Clerk of Court at: pro_se@ca5.uscourts.gov

By: /s/ Huong Gilmer Giaccio
Pro Se Appellant Huong Gilmer Giaccio

☞ TAB 1 — LOWER COURT RECORD INVENTORY SHEET
Huong Gilmer Giaccio — Supreme Court Binder

This tab contains the **core procedural and evidentiary history** of this case, organized to document the development, litigation, dismissal, and appellate handling of Petitioner's constitutional claims.

◆ **TAB 1A — DISTRICT COURT FILINGS**

(Origin and disposition of the federal case)

- Original Complaint
- Amended Complaint(s)
- Magistrate Judge Findings, Conclusions, and Recommendation
- Plaintiff's Objections to F&R
- District Court Final Judgment / Order of Dismissal
- Other key district court orders

Purpose: Establishes jurisdiction, claims raised, and basis of dismissal.

◆ **TAB 1B — MOTIONS**

(Efforts to obtain protection, evidence review, and relief)

- Motion for Emergency Injunction Pending Appeal
- Motions to Compel / Renewed Motions
- Motions concerning arrests, citations, or retaliation
- Motions requesting due process, language access, or ADA accommodation
- Related affidavits and supporting memoranda

Purpose: Documents irreparable harm, exhaustion of remedies, and repeated denial of meaningful review.

◆ **TAB 1C — EVIDENCE INDEXES**

- Combined Exhibit Index (audio/video/documents)
- Record-on-Appeal exhibit lists
- Evidence summary sheets
- Citation/arrest chronology sheets

Purpose: Demonstrates existence of a substantial evidentiary record that was not meaningfully reviewed.

◆ **TAB 1D — PRIOR APPEALS**

(Appellate history and procedural posture)

- Notices of Appeal
- Fifth Circuit briefs
- Fifth Circuit docket sheets
- Orders on motions (stay, mandate, consolidation, etc.)
- Emergency stay filings and related correspondence

Purpose: Establishes exhaustion of appellate remedies and posture for Supreme Court review.

☞ TAB 2 — ENFORCEMENT & HARM RECORD INVENTORY SHEET

This tab contains the **documented record of ongoing enforcement actions and resulting harm**, maintained to support emergency filings, irreparable-harm showings, and post-certiorari proceedings.

◆ ENFORCEMENT ACTIONS

- Municipal citations and violation notices
- Fine assessments and compliance orders
- Warning letters threatening arrest or warrants
- Court summons, notices, or hearing letters
- Code-enforcement reports or inspection notices

Purpose: Documents continuing governmental action and risk of enforcement.

◆ ARREST & DETENTION RECORDS

- Arrest records and booking sheets
- Jail release paperwork
- Bond or fine documentation
- Criminal or municipal court dockets
- Audio/video or transcript references (if any)

Purpose: Establishes deprivation of liberty and pattern of enforcement.

I am available provide as requested.