

APPENDIX

TO THE PETITION FOR A WRIT OF CERTIORARI

WILLIE BRUCE BRYANT,
Petitioner,

v.

ALEXANDRA D. LEONARDIS, DANIEL P. SANMIGUEL,
and DEREK A. BLEISATH,
Respondents.

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APPENDIX A

OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 26-10469

Filed July 27, 2026

(Unpublished per curiam)

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10469
Non-Argument Calendar

WILLIE BRUCE BRYANT,

Plaintiff-Appellant,

versus

ALEXANDRA D. LEONARDIS,

Deputy Sheriff, individually,

DANIEL P. SANMIGUEL,

Senior Assistant Solicitor General, individually,

LIEUTENANT DEREK A. BLEISATH,

Supervising Deputy Sheriff, individually,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 2:25-cv-00158-SCJ

Before WILLIAM PRYOR, Chief Judge, and NEWSOM and BRASHER, Circuit Judges.

PER CURIAM:

Willie Bruce Bryant appeals *pro se* the dismissal of his first amended complaint alleging claims of a process-based seizure in violation of the Fourth Amendment, selective enforcement in violation of the Equal Protection Clause, and supervisory liability. 42 U.S.C. § 1983. We affirm.

In June 2025, Bryant filed his first amended complaint, in which he alleged that a man named Austin Rothenberger confronted him in a parking lot and yelled racial slurs at him, so to protect himself, he exercised his right to self-defense by exiting his vehicle armed with a hammer. An altercation ensued and Bryant was later arrested for battery. He alleged that Deputy Alexandra Leonardis and Lieutenant Derek Bleisath fabricated material facts in their affidavits to support his arrest warrant and that Leonardis, Bleisath, and Senior Assistant Solicitor General Daniel Sanmiguel conspired to prosecute him without probable cause and that racial bias motivated their actions. He alleged that Leonardis and Bleisath were not entitled to qualified immunity because the material misrepresentations made in the warrant affidavits were objectively unreasonable. He also alleged that Sanmiguel acted outside the scope of prosecutorial immunity by ignoring exculpatory evidence that Rothenberger, an alleged white supremacist, initiated the alterca-

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tion. He also alleged that Bleisath was liable as a supervisor by failing to intervene or correct unconstitutional conduct of Leonardis, his subordinate.

Bryant attached to his first amended complaint the police report of the altercation. The report stated that Rothenberger told Leonardis, one of the responding officers, that he had been driving behind a car that kept hitting its brakes, so Rothenberger showed the driver his middle finger and honked. Bryant was behind Rothenberger's car. When Rothenberger pulled into the parking lot to go to work, Bryant followed him. Rothenberger asked Bryant what he was "looking at." Rothenberger and Bryant "exchanged words with each other," and Bryant went to his car and retrieved a hammer, which he then swung at Rothenberger. Leonardis's arrest affidavit confirmed that Bryant did not hit Rothenberger with the hammer but did slap him in the face. Bryant was arrested for battery, though the charge was later dismissed.

Leonardis, Bleisath, and Sanmiguel moved to dismiss Bryant's first amended complaint for failure to state a claim for relief. Bryant then moved for leave to file a second, third, and fourth amended complaint. Leonardis, Bleisath, and Sanmiguel opposed his motions.

The district court treated Bryant's first amended complaint as the operative complaint and ruled that it failed to state a claim. It then ruled that all amendments in Bryant's various proposed amended complaints were incorporated in his fourth amended complaint "with the understanding that if the amendments in" the

fourth amended complaint were futile, so too were the amendments in the proposed second and third amended complaints. It then ruled that Bryant's proposed amendments were futile.

It ruled that Sanmiguel was entitled to prosecutorial immunity, and Leonardis and Bleisath were entitled to qualified immunity from Bryant's claims of unlawful seizure. It ruled that Bryant's selective enforcement claim failed because he had not identified a similarly situated person of another race who had been treated differently. It then ruled that Bryant's claim of supervisory liability failed because he had no underlying constitutional violation.

Accordingly, the district court granted Bryant's motion to file an amended complaint and treated his first amended complaint as the operative one, denied his motions to file second, third, and fourth amended complaints as futile to his federal claims and granted the motion to dismiss with those claims.

We review a dismissal for failure to state a claim *de novo*, accept the facts alleged in the complaint as true, and draw all reasonable inferences in favor of the plaintiff. *Butler v. Sheriff of Palm Beach Cnty.*, 685 F.3d 1261, 1265 (11th Cir. 2012). To survive a motion to dismiss, a complaint must contain sufficient factual matter to "state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "[C]onclusory allegations, unwarranted deductions of facts or legal conclusions masquerading as facts will not prevent dismissal." *Oxford Asset Mgmt., Ltd. v. Jaharis*, 297 F.3d 1182, 1188 (11th Cir. 2002). "[N]aked assertions devoid of

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further factual enhancement” or “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotation marks and brackets omitted).

Although *pro se* pleadings are liberally construed, courts may not “serve as *de facto* counsel for a party,” or “rewrite an otherwise deficient pleading in order to sustain an action.” *Campbell v. Air Jam. Ltd.*, 760 F.3d 1165, 1168-69 (11th Cir. 2014) (quotation marks and italics omitted). Filing a pleading “does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions.” *Iqbal*, 556 U.S. at 678-79. “Facial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on failure to state a claim for relief, should . . . be resolved before discovery begins.” *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367 (11th Cir. 1997) (footnote omitted). “[N]either the parties nor the court have any need for discovery before the court rules on the motion.” *Id.* (citing *Kaylor v. Fields*, 661 F.2d 1177, 1184 (8th Cir. 1981) (“Discovery should follow the filing of a well-pleaded complaint. It is not a device to enable a plaintiff to make a case when his complaint has failed to state a claim.”)).

As an initial matter, although Bryant’s initial brief largely addresses the analysis of his proposed fourth amended complaint, we construe his appeal as challenging the dismissal of his first amended complaint, which was substantively identical to his proposed fourth amended complaint and the district court dismissed for the same reasons. *See Campbell*, 760 F.3d at 1168-69. The district court

correctly dismissed Bryant's operative first amended complaint for failure to state a claim.

Prosecutors enjoy absolute immunity from suit for activities intimately associated with the judicial phase of the criminal process. *Hart v. Hodges*, 587 F.3d 1288, 1294-95 (11th Cir. 2009). This immunity from suit includes "immunity from allegations stemming from the prosecutor's function as advocate," including acts taken in preparation for the initiation of judicial proceedings or for trial. *Id.* at 1295 (quotation marks omitted). The district court correctly ruled that Sanmiguel enjoys absolute prosecutorial immunity because his alleged conduct stemmed from his role as advocate. *See id.* at 1294-95. Bryant's contentions to the contrary are legal conclusions not entitled to the presumption of truth at the pleading stage. *Jaharis*, 297 F.3d at 1188.

The district court also correctly determined that Leonardis and Bleisath were entitled to qualified immunity. Qualified immunity shields government officials for discretionary actions that do not violate a clearly established federal right. *Brooks v. Miller*, 78 F.4th 1267, 1279 (11th Cir. 2023). "While an officer who arrests an individual without probable cause violates the Fourth Amendment, this does not inevitably remove the shield of qualified immunity." *Skop v. City of Atlanta*, 485 F.3d 1130, 1137 (11th Cir. 2007). Even if the officer lacked probable cause, we apply "the standard of arguable probable cause, that is, whether reasonable officers in the same circumstances and possessing the same knowledge as the Defendant *could have believed* that probable cause existed to arrest." *Id.*

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(quotation marks omitted, alteration adopted, emphasis in original). If an officer had arguable probable cause, then any violation was not clearly established. *Edger v. McCabe*, 84 F.4th 1230, 1236 (11th Cir. 2023). Because there was arguable probable cause for Bryant's arrest based on Rothenberger's account of Bryant's conduct, Leonardis and Bleisath enjoy qualified immunity. *Brooks*, 78 F.4th at 1279; *Edger*, 84 F.4th at 1236.

The district court also correctly dismissed Bryant's equal protection claim because he failed to identify a similarly situated person who was treated differently because of race. An equal protection claim requires a plaintiff to establish that he is similarly situated with another person who received more favorable treatment and that this discriminatory treatment was based on prohibited ground, like race. *Jones v. Ray*, 279 F.3d 944, 946–47 (11th Cir. 2001). A selective prosecution claim requires disparate treatment from a similarly situated individual "identical in all relevant respects." *Grider v. City of Auburn*, 618 F.3d 1240, 1264 (11th Cir. 2010) (quotation marks and emphasis omitted). Bryant failed to identify a similarly situated individual. Although Rothenberger may have been involved in the altercation that led to his arrest, Bryant failed to allege that they were involved in virtually identical conduct, when Bryant was the only one who wielded a hammer. His assertions to the contrary are not entitled to the presumption of truth. *See Jaharis*, 297 F.3d at 1188.

Supervisory officials cannot be held liable for the unconstitutional acts of their subordinates based on respondeat superior or

vicarious liability. *Harrison v. Culliver*, 746 F.3d 1288, 1298 (11th Cir. 2014). To hold a supervisor liable, a plaintiff must prove that the supervisor “either participated directly in the unconstitutional conduct or that a causal connection exists between the supervisor’s actions and the alleged constitutional violation.” *Id.* But Bryant failed to establish a constitutional violation, and without an underlying violation, Bleisath cannot be liable as a supervisor. *See id.* Finally, the district court properly denied Bryant’s motion to amend because his proposed fourth amended complaint was substantively identical to his first amended complaint, which was properly dismissed. *See Cockrell v. Sparks*, 510 F.3d 1307, 1310 (11th Cir. 2007).

We **AFFIRM** the dismissal of Bryant’s first amended complaint and **DENY** his motion to file a supplemental brief as moot.

APPENDIX B

ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA,
GAINESVILLE DIVISION,
GRANTING DISMISSAL WITH PREJUDICE AND
DENYING LEAVE TO AMEND AS FUTILE

No. 2:25-cv-00158-SCJ · Doc. 31

Filed February 9, 2026

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

WILLIE BRUCE BRYANT,

Plaintiff,

v.

**ALEXANDRA LEONARDIS, DEREK
BLEISATH, AND DANIEL
SANMIGUEL,**

Defendants.

CIVIL ACTION FILE

No. 2:25-CV-00158-SCJ

ORDER

This matter appears on several motions pending before this Court, including two motions to dismiss from Defendants and four motions for leave to file amended complaints from Plaintiff. Doc. Nos. [5]; [13]; [15]; [17]; [20]; [23].¹ Also pending are Plaintiff's Motion for Leave to Submit Additional Evidence

¹ All citations are to the electronic docket unless otherwise noted, and all page numbers are those imprinted by the Court's docketing software.

(Doc. No. [21]) and Motion for Leave to Add Defamation Count to Fourth Amended Complaint (Doc. No. [27]).

I. BACKGROUND

The Court summarizes the factual allegations as follows. Plaintiff was parked outside of his ex-wife's workplace to pick up a car key when Austin Rothenberger ("Rothenberger") entered the parking lot at a high speed in his BMW. Doc. No. [1], 6. Rothenberger observed Plaintiff's ex-wife hand Plaintiff her car key and have a conversation with Plaintiff. Id. at 6. Plaintiff alleges that Rothenberger was "incensed to see [his ex-wife,] a white woman[,] interacting with Plaintiff[,] a Black man." Id. As Plaintiff was exiting the parking lot in his jeep after his ex-wife had reentered her workplace, Plaintiff made eye contact with Rothenberger. Id. Plaintiff alleges that Rothenberger "became very animated pointing and yelling" at Plaintiff. Id. at 6-7. Plaintiff and Rothenberger made verbal exchanges with each other, during which Plaintiff alleges that Rothenberger yelled obscenities and threats at him and ordered him to "get out of that jeep." Id. at 7.

Fearing for his immediate safety, Plaintiff exited his vehicle with a hammer, and a physical altercation ensued. Id. Plaintiff alleges that he approached Rothenberger with the hammer behind his back, that Rothenberger lunged at

Plaintiff with his hands up in boxing stance, and that Plaintiff slapped Austin in the face. Id. at 8. Plaintiff retreated to his Jeep after seeing that Rothenberger no longer wanted to fight, and eventually left the workplace. Id. Soon thereafter, Plaintiff received a call from his ex-wife that Rothenberger had started a verbal and physical altercation with her. Id. at 9. Plaintiff returned to the workplace to pick up his ex-wife and drove her to a safe location. Id. at 10. Plaintiff called the Forsyth County Sheriff's Office and reported the sequence of events to the responding deputies. Id. at 11-12.

Plaintiff alleges that Deputy Leonardis failed to include in her arrest warrant affidavit the exculpatory facts that Rothenberger initiated the exchange by yelling threats at Plaintiff and that Plaintiff acted in self-defense, that the affidavit only contained conclusory allegations that did not support probable cause, and that Defendant Leonardis submitted the false affidavit knowing that it lacked probable cause based on racial animus. Id. at 16. Plaintiff alleges that Defendant Bleisath reviewed Deputy Leonardis's report and did not intervene or correct the affidavit, and that Defendant Sanmiguel directed law enforcement to pursue battery charges after reviewing the evidence. Id. at 17.

As a direct result of these actions by Defendants, an arrest warrant was issued, and Plaintiff was arrested and detained. Doc. No. [13-1], 14. The prosecution terminated in Plaintiff's favor on April 21, 2025, when the State of Georgia issued a nolle prosequi. Id. at 9.

Plaintiff brings claims of Malicious Prosecution, Equal Protection, and Supervisory Liability under 42 U.S.C. § 1983, and a state law claim of Malicious Prosecution under O.C.G.A. § 51-7-40 against all Defendants.

II. LEGAL STANDARD

A. Motion for Leave to Amend Complaint Legal Standard

Under the Federal Rules of Civil Procedure, a party may amend a pleading once as a matter of right within (1) twenty-one days after service of the pleading or (2) twenty-one days after service of a motion or responsive pleading. Fed. R. Civ. P. 15(a)(1). Otherwise, a party must obtain the opposing party's written consent or leave of court to file an amended pleading. Fed. R. Civ. P. 15(a)(2). A "court should freely give leave" to a party to amend pleadings "when justice so requires." Id. A court may deny leave to amend only with substantial reason, such as undue delay, futility, bad faith, or undue prejudice to the opposing party. Burger King Corp. v. Weaver, 169 F.3d 1310, 1319 (11th Cir. 1999)

(citing Foman v. Davis, 371 U.S. 178, 182 (1962)). While a court must justify why it is denying leave to amend, it is still reviewed for abuse of discretion. Smith v. Duff & Phelps, Inc., 5 F.3d 488, 493 (11th Cir. 1993).

B. Motion to Dismiss Legal Standard

Federal Rule of Civil Procedure 8(a) requires a complaint to contain a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). As the purpose of Rule 8(a) is to provide notice to the defendants of the nature of the claims and the grounds on which those claims rest, pleadings are generally given a liberal reading when addressing a motion to dismiss. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–56 (2007). When considering a Rule 12(b)(6) motion to dismiss for failure to state a claim, the Court accepts the factual allegations made in the complaint as true and construes them in the light most favorable to the plaintiff. Speaker v. U.S. Dep’t of Health & Human Servs. Ctrs. for Disease Control & Prevention, 623 F.3d 1371, 1379 (11th Cir. 2010). A complaint will be dismissed for failure to state a claim if the facts as pled do not state a claim that is plausible on its face. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Twombly, 550 U.S. at 555–56. In order to state a plausible claim, a plaintiff must plead “factual content that allows the court to draw the

reasonable inference that the defendant is liable for the misconduct alleged.” Id. at 678.

A defendant may move to dismiss a complaint for failure to state a claim upon which relief may be granted. Fed. R. Civ. P. 12(b)(6). Labels, conclusions, and formulaic recitations of the elements of the cause of action “will not do.” Twombly, 550 U.S. at 555. “[W]hile notice pleading may not require that the pleader allege a specific fact to cover every element or allege with precision each element of a claim, it is still necessary that a complaint contain either direct or inferential allegations respecting all material elements necessary to sustain a recovery under some viable legal theory.” Fin. Sec. Assurance, Inc. v. Stephens, Inc., 500 F.3d 1276, 1282–83 (11th Cir. 2007) (internal quotations omitted). When the exhibits to a plaintiff’s complaint contradict the allegations of the same, the exhibits govern. See Griffin Indus. v. Irwin, 496 F.3d 1189, 1205–06 (11th Cir. 2007).

C. Immunity Defense Legal Standards

A public official sued under federal law in his individual capacity may, under certain circumstances, enjoy absolute or qualified immunity. See Jones v. Cannon, 174 F.3d 1271, 1280–83 (11th Cir. 1999). Absolute immunity

completely protects the defendant from being subject to certain lawsuits. See Elder v. Athens-Clarke Cty. Ga. Through O'Looney, 54 F.3d 694, 695 (11th Cir. 1995) (stating that a prosecutor is immune from a § 1983 action for certain prosecutorial conduct). A prosecutor enjoys absolute immunity from allegations stemming from a wide range of prosecutorial actions, including his function as an advocate. Jones, 174 F.3d at 1281; Rowe v. City of Fort Lauderdale, 279 F.3d 1271, 1279 (11th Cir. 2002). Typically, courts follow a functional approach in determining whether absolute immunity applies, looking more at the nature of the defendant's actions in relation to his role and not simply at the title of his role. See Rehberg v. Paulk, 611 F.3d 828, 837 (11th Cir. 2010). A § 1983 lawsuit is subject to dismissal if the defendant enjoys absolute immunity that would prevent the claim from proceeding. Rivera v. Leal, 359 F.3d 1350, 1355 (11th Cir. 2004); Long v. Satz, 181 F.3d 1275, 1279 (11th Cir. 1999).

Qualified immunity, on the other hand, protects a government official performing discretionary functions unless his conduct violates a clearly established statutory or constitutional right of which a reasonable person would have known. Gates v. Khokar, 884 F.3d 1290, 1296 (11th Cir. 2018). A "clearly established" right is one so firmly established that a reasonable official would

have understood that his action violates that right. Reichle v. Howards, 566 U.S. 658, 664 (2012). For the right to be sufficiently established, “existing precedent must have placed the statutory or constitutional question beyond debate” and thus given the official fair warning that her conduct violated the law. Id. (internal quotations omitted).

A defendant asserting qualified immunity has the burden of showing that he was acting within the scope of his discretionary authority when he took the allegedly violative action. Gates, 884 F.3d at 1297. If the defendant makes that showing, the burden shifts to the plaintiff to establish that the court should not recognize the immunity by showing that (1) the facts alleged make out a violation of a constitutional right and (2) the constitutional right at issue was clearly established at the time of the alleged misconduct. Id. Finally, a plaintiff cannot strip a defendant of qualified immunity by citing to general rules or abstract rights but must instead identify the clearly established right. See Jones, 174 F.3d at 1282–83. In sum, a § 1983 lawsuit is subject to dismissal under a qualified immunity theory if the defendant was acting within the scope of discretionary authority and the plaintiff fails to allege the violation of a clearly

established federal right. See Williams v. Alabama State Univ., 102 F.3d 1179, 1182 (11th Cir. 1997) (per curiam).

Additionally, an official facing state-law claims against him may enjoy immunity under Georgia law. See Smith v. Hancock, 150 Ga. App. 80, 81, 256 S.E.2d 627, 628 (1979). Georgia's Constitution creates prosecutorial immunity "for actions arising from the performance of [district attorneys'] duties." Ga. Const. art. VI, § 8 para. 1(e); see also Smith v. City of Hartwell, No. 3:13-CV-12-CDL, 2013 WL 1411563, at *1 (M.D. Ga. Apr. 8, 2013) (determining that a prosecutor was entitled to immunity on a plaintiff's state law claims because those claims were based on the defendant's acts as a prosecutor). As with prosecutorial immunity under federal law, "[t]he determining factor" is "whether the act or omission is intimately associated with the judicial phase of the criminal process." Mosier v. State Bd. of Pardons & Paroles, 213 Ga. App. 545, 546, 445 S.E.2d 535, 537 (1994). Any prosecutors may enjoy this absolute immunity. See id.

A public official may also enjoy official immunity under Georgia law. Official immunity, which derives from the Georgia Constitution, protects public officials from personal liability for discretionary acts taken within the scope of

their official authority and done without willfulness, actual malice, or corruption. Marshall v. Browning, 310 Ga. App. 64, 67, 712 S.E.2d 71, 74 (2011). Thus, a public official may be personally liable for discretionary acts performed with malice or an intent to injure. Id. “[A]ctual malice requires a deliberate intention to do wrong and denotes express malice or malice in fact.” Selvy v. Morrison, 292 Ga. App. 702, 704, 665 S.E.2d 401, 404–05 (2008) (citations and internal quotations omitted). Actual malice goes beyond implied malice or a reckless disregard for others; it is instead a deliberate intention to cause the harm suffered by the plaintiffs. Id. at 704–05. Prosecutors engaged in administrative or investigative functions may enjoy official immunity. Holsey v. Hind, 189 Ga. App. 656, 657, 377 S.E.2d 200, 201 (1988) (citations omitted).

III. ANALYSIS

First, the Court will address Defendants’ first Motion to Dismiss (Doc. No. [5]) and Plaintiff’s first Motion for Leave to File Amended Complaint (Doc. No. [13]). Next, the Court will look at Plaintiff’s subsequent Motions for Leave to File Second, Third, and Fourth Amended Complaints and Plaintiff’s Motion for Leave to File Additional Evidence with respect to Plaintiff’s federal claims. Doc. Nos. [17]; [20]; [21]; [23]. Then, the Court will address Defendants’ second Motion to

Dismiss as to Plaintiff's federal claims. Doc. No. [15]. Finally, the Court will address Plaintiff's subsequent motions for leave to file amendments and Defendants' second motion to dismiss with respect to Plaintiff's state law claims, including Plaintiff's Motion for Leave to Add Defamation Count to Fourth Amended Complaint (Doc. No. [27]).

A. Plaintiff's Motion for Leave to File First Amended Complaint and Defendants' first Motion to Dismiss

The Court first addresses Defendants' first Motion to Dismiss (Doc. No. [5]) and Plaintiff's Motion for Leave to File Amended Complaint (Doc. No. [13]). Defendants filed their first motion to dismiss on July 1, 2025. Doc. No. [5]. Plaintiff subsequently filed his motion for leave to amend on July 22, 2025, which is within the 21 days granted by Rule 15(a). Fed. R. Civ. P. 15(a)(1)(A)(B). Defendants do not oppose Plaintiff's first motion for leave to amend, acknowledging that the waiver of the right to amend as a matter of course invoked by filing a motion to amend rather than the amended complaint does not apply to a pro se plaintiff. Doc. No. [14], 2; see also Toenniges v. Ga. Dep't Corr., 502 F.App'x 888, 889 (11th Cir. 2012). Therefore, the Court agrees with Defendants that the proposed First Amended Complaint is to be treated as the operative pleading. Doc. No. [14], 2.

An amended complaint supersedes the prior complaint and renders moot a motion to dismiss that prior complaint. Thomas v. Alcon Lab'ys, 116 F. Supp. 3d 1361, 1365 n.5 (N.D. Ga. 2013). Thus, because the Court grants Plaintiff's Motion for Leave to File Amended Complaint (Doc. No. [13]), Defendants' first Motion to Dismiss the prior complaint (Doc. No. [5]) is moot.

B. Plaintiff's Subsequent Motions for Leave to Amend Regarding Plaintiff's Federal Claims

After Plaintiff moved to amend his original complaint, Defendants filed a second Motion to Dismiss Plaintiff's Amended Complaint. Doc. No. [15]. In lieu of responding, Plaintiff instead filed a Motion for Leave to File Second Amended Complaint on August 7, 2025 (Doc. No. [17]), to which Defendants responded and Plaintiff replied (Doc. Nos. [18]; [19]). On September 29, 2025, Plaintiff filed a Motion for Leave to File a Third Amended Complaint (Doc. No. [20]). On October 1, 2025, Plaintiff filed a Motion for Leave to Submit Additional Evidence (Doc. No. [21]). Defendants responded to both of these motions. Doc. No. [22]. On October 14, 2025, Plaintiff filed a Motion for Leave to File a Fourth Amended Complaint (Doc. No. [23]). Defendants filed a response, incorporating their arguments presented in their response to Plaintiff's proposed Third Amended Complaint into their response to Plaintiff's fourth motion. Doc. No.

[24]. Plaintiff submitted a reply. Doc. No. [25]. Finally, on January 23, 2026, Plaintiff filed a Motion for Leave to Add Defamation Count to Fourth Amended Complaint (Doc. No. [27]), to which Defendants responded, and Plaintiff replied (Doc. Nos. [29]; [30]). In response to each motion for leave to file amended complaints, Defendants contend that the proposed amendments are futile.

The Court finds that all amendments proposed in Plaintiff's Second Amended Complaint and Third Amended Complaint are incorporated in his Fourth Amended Complaint in full. With the proposed Fourth Amendment Complaint encompassing both the Second and Third Amended Complaints, the Court bases its analysis on Plaintiff's Fourth Amended Complaint with the understanding that if the amendments in the Fourth Amended Complaint are futile, so too are the amendments in the Second and Third Amended Complaints.

Further, Plaintiff filed a Motion to Submit Additional Evidence on October 1, 2025. Given that this case is still on the pleadings and that no evidence is attached to the motion, the Court construes this motion to be a Motion to Amend Plaintiff's Third Amended Complaint to include arguments that the arrest warrant was fatally conclusory and did not recite the basis of the evidence against Plaintiff. The Court similarly finds that Plaintiff's probable cause

arguments contained in his Motion to Submit Additional Evidence are largely incorporated in Plaintiff's Fourth Amended Complaint (Doc. No. [23], 10-13), and therefore the Court takes the same approach as above. To the extent Plaintiff makes additional assertions not incorporated in the proposed Fourth Amended Complaint, the Court will consider these separately.

1. *Futility of Amended § 1983 Malicious Prosecution Claims as to Defendant Sanmiguel*

Defendants assert that all of Plaintiff's allegations against Defendant Sanmiguel arise from his actions in Plaintiff's criminal proceedings as a prosecutor and therefore should be dismissed on account of absolute immunity granted to prosecutors engaged in "prosecutorial functions." Doc. No. [22], 10-13.

Plaintiff contends that Defendant Sanmiguel is not immune because he acted outside of his role as an advocate and instead as an administrator or investigator. Doc. No. [25], 11. Plaintiff also argues that Defendant Sanmiguel's role in directing prosecution despite knowledge of exculpatory evidence and an allegedly faulty arrest renders him liable under § 1983. Id.

The Court finds that Defendant Sanmiguel enjoys immunity as to Plaintiff's federal claims against him. The actions that Defendant Sanmiguel

allegedly undertook, notably “direct[ing] law enforcement to pursue battery charges,” “fabricating or gathering evidence,” and “influencing the direction of the investigation,” (Doc. No. [23-1], 6), constitute actions taken in his role as an advocate and were intimately associated with the judicial phase of the criminal process, which affords him absolute immunity. See Hart v. Hodges, 587 F.3d 1288, 1295 (11th Cir. 2009) (“Prosecutors have absolute immunity when filing an information without investigation, filing charges without jurisdiction, filing a baseless detainer, offering perjured testimony, suppressing exculpatory evidence, refusing to investigate . . . complaints about the prison system, [and] threatening . . . further criminal prosecutions”) (internal quotations omitted); see also Jarallah v. Simmons, 191 F. App’x 918, 922 (11th Cir. 2006) (affirming dismissal of claims against prosecutors based on prosecutorial immunity when the plaintiff’s complaint “alleged that defendants initiated baseless charges against him” because pursuing criminal prosecution falls within a prosecutor’s duties). Notably, all of Plaintiff’s allegations against Defendant Sanmiguel occur after the arrest warrant had already been issued and in preparation for proceeding forward with Plaintiff’s criminal prosecution. See generally, Doc. No. [23].

While Defendant Sanmiguel may have performed administrative tasks while initiating prosecution, such as sending the June 2024 discovery email (Doc. No. [23], 6), Plaintiff's claims against Defendant Sanmiguel revolve around his initiating battery charges against Plaintiff. The Court is not moved by Plaintiff's conclusory characterization of Defendant Sanmiguel's role as administrative or investigative, and the Court is not required to take Plaintiff's legal conclusions as true. See Ward v. Chafin, No. 3:21-CV-111 (CAR), 2022 WL 3328875, at *5 (M.D. Ga. Aug. 11, 2022), aff'd, No. 22-12993, 2023 WL 2661527 (11th Cir. Mar. 28, 2023) (declining to accept as true that Defendants engaged in investigative or administrative tasks when "Plaintiff alleges vague and conclusory allegations that amount to legal conclusions they performed administrative tasks and mere labels that Defendants were functioning as investigators."); Brazil v. Janssen, 196 F. Supp. 3d 1351, 1357 (N.D. Ga. 2016) ("The Court [] does not accept as true unwarranted legal deductions of fact or legal conclusions masquerading as facts.") (internal quotations omitted). Therefore, the Court finds that the proposed amendments as to the claims against Defendant Sanmiguel are futile because his immunity has been established on the face of the Fourth Amended

Complaint. See Quiller v. Barclays Am./Credit, Inc., 727 F.2d 1067, 1069 (11th Cir. 1984).

2. *Futility of Amended § 1983 Malicious Prosecution Claims as to the Remaining Defendants*

As to Plaintiff's § 1983 malicious prosecution claims, the Court finds that qualified immunity protects all Defendants. First, the Court considers whether Defendants were acting within the scope of discretionary authority. A defendant "must have been performing a function that, but for the alleged constitutional infirmity, would have fallen with[in] his legitimate job description." Holloman ex rel. Holloman v. Harland, 370 F.3d 1252, 1266 (11th Cir. 2004). The law enforcement functions at issue (i.e., investigating a case, pursuing an arrest warrant, making an arrest) fall within legitimate job descriptions of a law enforcement officer. Plaintiff's allegation that Defendants' actions were done in an unconstitutional manner does not alter the conclusion that Defendants were fulfilling legitimate job-related functions under the circumstances presented in the Fourth Amended Complaint. Id. at 1267.

The burden then shifts to Plaintiff to satisfy "(1) whether the facts [Plaintiff] has shown make out a violation of a constitutional right; and (2) whether the right at issue was clearly established at the time of [Defendants']

alleged misconduct.” Gilmore v. Hodges, 738 F.3d 266, 272 (11th Cir. 2013). In this case, Plaintiff alleges his Fourth Amendment rights were violated when Defendants submitted a conclusory affidavit that omitted material facts, relied upon the resulting arrest warrant to arrest him, and pursued the prosecution of his case knowing that the affidavit was at fault. Doc. No. [23]. However, the Court finds no violation.

Notably, based on the facts alleged in the Fourth Amended Complaint and a review of the affidavit at issue, the Court finds that the affidavit did provide sufficient factual basis to support the finding of probable cause for misdemeanor battery, and the omission of Plaintiff’s claim of self-defense was not material so as to negate a finding of probable cause. O.C.G.A. § 16-5-23.1 defines misdemeanor battery as “intentionally caus[ing] substantial harm or visible bodily harm to another.” The affidavit accurately recounts Plaintiff’s admission that he slapped Rothenberger, which Plaintiff also admits in his Fourth Amended Complaint, and that Defendant Leonardis “took pictures of Rothenberger’s visible marks.” Doc. No. [23-1]. With regard to the omitted information, the affidavit does include that Rothenberger admitted to starting the interaction by “ask[ing] [Plaintiff] what he was staring at and [exchanging] words

with each other” and that “[Plaintiff] stated he feared [Rothenberger] because [Rothenberger] was approaching him.” Doc. No. [23-1].

Still, Plaintiff takes issue that the affidavit did not more explicitly assert his self-defense claim. Doc. No. [23], 3. Georgia’s version of a “Stand Your Ground” law gives a person immunity from prosecution for “using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to defend himself.” See O.C.G.A. § 16-3-21. Immunity from prosecution under this provision is an affirmative defense for which the defendant bears the burden to establish in a pretrial proceeding. See e.g., Jennings v. State of Georgia, 363 Ga. App. 170, 175, 869 S.E.2d 93, 98 (2022).

Here, the Court cannot conclude that a more complete description of Plaintiff’s motivations for exiting his Jeep would have vitiated probable cause to issue the warrant. “At threshold, these omitted facts do not relate to the elements of the offense but rather solely to a potential affirmative defense not yet raised.” United States v. Holder, No. 1:23-CR-123-SEG-JSA, 2024 WL 1589317, at *4 (N.D. Ga. Jan. 19, 2024), report and recommendation adopted, No. 1:23-CR-0123-SEG-JSA, 2024 WL 1012914 (N.D. Ga. Mar. 9, 2024). While an officer may not ignore conclusively established evidence, they generally “need not

investigate affirmative defenses and the existence of an affirmative defense does not vitiate probable cause where the officers witness seemingly unlawful conduct.” Id. at *4. Therefore, the Court finds that Defendants were not required to include Plaintiff’s self-defense claim in the affidavit, and that even if they were, this inclusion would not have vitiated probable cause.

The Court’s conclusion remains the same upon consideration of Plaintiff’s Motion to Submit Additional Evidence (Doc. No. [21]) which the Court has construed as a motion to amend Plaintiff’s proposed Third Amended Complaint, to the extent that Plaintiff’s contentions in this motion were not fully incorporated in Plaintiff’s proposed Fourth Amended Complaint.

Having found no constitutional violation in the execution of the arrest warrant, the Court need not analyze whether the constitutional right was clearly established. Thus, the Court finds that Plaintiff’s allegations establish that the individual Defendants enjoy qualified immunity, and the proposed amended claims against them futile.

3. Futility of Amended Equal Protection Claim

Plaintiff claims his Fourteenth Amendment rights were violated because “Defendants intentionally and discriminatorily enforced the law against

Plaintiff, but not against a similarly situated white individual, depriving Plaintiff of equal protection.” Doc. No. [23], 13. The equal protection clause of the Fourteenth Amendment requires that the government treat similarly situated people in a similar manner. City of Cleburne v. Cleburne Living Ctr., 473 U.S. 432, 439 (1985). To plead a plausible claim that the officers violated his right to equal protection, Plaintiffs had to allege “that (1) [Plaintiff] is similarly situated with other p[ersons] who received more favorable treatment; and (2) his discriminatory treatment was based on some constitutionally protected interest, such as race.” Jones v. Ray, 279 F.3d 944, 946–47 (11th Cir. 2001) (internal quotations omitted).

Here, Plaintiff fails to identify a similarly situated individual of another race who the officers had treated differently than they treated Plaintiff. The Amended Complaint identifies Rothenberger as the comparator for his equal protection claim, alleging that Defendants failed to charge Rothenberger for “criminal threats and breach of the peace, filing a false police report that said he was hit [with] a hammer,” and for “assaulting Plaintiff’s ex-wife.” Doc. No. [23], 13. However, a similarly situated person is “one who is engaged in the same type of conduct, which means that the comparator committed the same basic crime in

substantially the same manner as the [plaintiff].” Savage v. Hall Cnty., Georgia, No. 2:03-CV-141-WCO, 2005 WL 8156146, at *2 (N.D. Ga. Sept. 9, 2005) (internal quotations omitted); see also United States v. Smith, 231 F.3d 800, 810 (11th Cir. 2000) (holding that the crime must be committed in substantially the same manner, and that the evidence against the comparator must be “as strong or stronger than that against the defendant.”). Considering Plaintiff’s allegation that Rothenberger assaulted Plaintiff’s ex-wife, the Court does not find that Rothenberger’s alleged conduct happened in substantially the same *manner* as Plaintiff’s alleged battery. Accordingly, Plaintiff’s amendments to his equal protection claim are futile.

4. Futility of Supervisory Liability Claim Against Bleisath

“It is well established in this Circuit that supervisory officials are not liable under § 1983 for the unconstitutional acts of their subordinates on the basis of respondeat superior or vicarious liability.” West v. Tillman, 496 F.3d 1321, 1328 (11th Cir. 2007) (quoting Cottone v. Jenne, 326 F.3d 1352, 1360 (11th Cir. 2003)). Instead, supervisory liability under § 1983 occurs “either when the supervisor personally participates in the alleged unconstitutional misconduct or when there is a causal connection between the actions of a supervisory official and the alleged

constitutional deprivation.” Cottone, 326 F.3d at 1360 (citing Gonzalez v. Reno, 325 F.3d 1228 (11th Cir. 2003)). Here, Plaintiff appears to be alleging the latter form of § 1981 supervisory liability: he alleges Defendant Bleisath “failed to intervene or correct subordinate misconduct, establishing a direct causal link to Plaintiff’s damages.” Doc. No. [23], 14.

Plaintiff’s claim fails. The Fourth Amended Complaint fails to plead factual content that allows the Court to draw the reasonable inference that approving the warrant against Plaintiff was unlawful in that, as stated above, the arrest warrant was properly executed and there was probable cause to arrest Plaintiff for simple battery. Thus, Plaintiff’s proposed amendments to this claim are futile.

C. Defendants’ Second Motion to Dismiss Regarding Plaintiff’s Federal Claims

The Court now addresses Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint with respect to Plaintiff’s federal claims. Before turning to the arguments, the Court will address one preliminary matter. Namely, Plaintiff did not respond to the substance of Defendants’ motion to dismiss. Instead, Plaintiff filed his second, third, and fourth motions for leave to file an amended complaint. Under the Local Rules, a litigant’s “[f]ailure to file a response shall indicate that there is no opposition to the motion.” LR 7.1(B).

Because Plaintiff failed to respond to the motion to dismiss, the Court can treat the motion as unopposed. Kramer v. Gwinnett Cnty., Ga., 306 F.Supp.2d 1219, 1221 (N.D. Ga. 2004). Thus, while the Court cannot grant the motion simply because Plaintiff did not respond, the Court may decide the motion on the papers before it. See Giummo v. Olsen, 701 F. App'x 922, 924 (11th Cir. 2017).

The Court now looks to the arguments in Defendants' second motion to dismiss with respect to Plaintiff's federal claims. Because Plaintiff's allegations in the First Amended Complaint are materially similar to the allegations in his subsequent proposed amended complaints, the motion to dismiss presents largely the same arguments that Defendants made in their responses to these motions for leave to file the amended complaints. After careful review and consideration, the Court finds that Defendants' motion to dismiss is due to be granted for the same reasons Plaintiff's subsequent motions for leave to file amended complaints are due to be denied. The Court's discussion above as to Defendants being immune applies with equal force here.

The First Amended Complaint falls short of allowing this Court to find that Defendants do not enjoy immunity or are otherwise subject to this lawsuit. Nor can the Court find that Plaintiff has pleaded sufficient facts to state

a claim for relief as to his equal protection or supervisory liability claims. Thus, the Court finds that the motion to dismiss as to Plaintiff's federal claims is due to be granted. Because Plaintiff has unsuccessfully attempted to amend multiple times and has failed to show that the allegations overcome Defendants' immunity or state a claim, the Court will dismiss with prejudice. See Bryant v. Dupree, 252 F.3d 1161, 1163 (11th Cir. 2001) (indicating that dismissal with prejudice is warranted where there have been repeated failures to cure deficiencies by amendments).

D. Plaintiff's Remaining State Law Claims

Having addressed Plaintiff's Motions for Leave to File Amended Complaints and Defendants' second Motion to Dismiss with respect to Plaintiff's federal claims, and finding Plaintiff's amendments to these claims futile and Defendants' request for dismissal due to be granted, the Court declines to exercise supplemental jurisdiction over Plaintiff's remaining state law claims, namely Plaintiff's proposed defamation claim and Plaintiff's state law malicious prosecution claim. See 28. U.S.C. § 1367(c)(3) ("[D]istrict courts may decline to exercise supplemental jurisdiction over a claim . . . if . . . the district court has dismissed all claims over which it has original jurisdiction."); see also Raney v.

Allstate Ins. Co., 370 F.3d 1086, 1088–89 (11th Cir. 2004) (“The decision to exercise supplemental jurisdiction over pendant state claims rests within the district court. We have encouraged district courts to dismiss any remaining state law claims when . . . the federal claims have been dismissed prior to trial.”). Accordingly, Plaintiff’s Motion for Leave to Add Defamation Count to Fourth Amended Complaint is denied.

IV. CONCLUSION

For the foregoing reasons:

- Plaintiff’s First Motion for Leave to File Amended Complaint (Doc. No. [13]) is **GRANTED**, and the Court treats the proposed Amended Complaint attached thereto as the operative pleading.
- Defendants’ first Motion to Dismiss (Doc. No. [5]) is **DENIED** as moot.
- Plaintiff’s Motion for Leave to File Second, Third, and Fourth Amended Complaint (Doc. Nos. [17]; [20]; [23]) and Motion to Submit Additional Evidence (Doc. No. [21]) is **DENIED** as futile as to Plaintiff’s federal claims, and Defendants’ second Motion to

Dismiss (Doc. No. [15]) is **GRANTED** with respect to these same federal claims.

- The Court declines to exercise jurisdiction over Plaintiff's remaining state law claims, and therefore Plaintiff's Motion for Leave to Add Defamation Count to Amend Fourth Amended Complaint (Doc. No. [27]) is **DENIED**. Accordingly, the Clerk is directed to close this case.

IT IS SO ORDERED this 9th day of February, 2026.

/s/ Steve C. Jones
HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE

APPENDIX C

ORDER OF THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT DENYING
PANEL REHEARING AND REHEARING EN BANC

No. 26-10469

Entered September 1, 2026

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10469

WILLIE BRUCE BRYANT,

Plaintiff-Appellant,

versus

ALEXANDRA D. LEONARDIS,

Deputy Sheriff, individually,

DANIEL P. SANMIGUEL,

Senior Assistant Solicitor General, individually,

LIEUTENANT DEREK A. BLEISATH,

Supervising Deputy Sheriff, individually,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 2:25-cv-00158-SCJ

ON PETITION FOR REHEARING AND PETITION FOR
REHEARING EN BANC

Before WILLIAM PRYOR, Chief Judge, and NEWSOM and BRASHER,
Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Panel Rehearing also is DENIED. FRAP 40.

APPENDIX D

ARREST WARRANT AND SUPPORTING AFFIDAVIT

Warrant No. CE-0146737

Case No. 2023060577

Magistrate Court of Forsyth County, Georgia

Sworn June 13, 2023

CRIMINAL ARREST WARRANT

GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA

v.

Willie Bryant

Sex: Male DOB: 12/20/1967

Race: Black SSN:

2047 Clifton Terrace

SNELLVILLE GA 30039

WARRANT NO.

CE-0146737

CASE NO.

2023060577

POSTED
(01323)
CH

AFFIDAVIT

Personally appeared the undersigned prosecutor, **Alexandra Leonardis** who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between **6/12/2023 10:40:00AM** and **6/12/2023 10:45:00AM** at **5955 Shiloh Rd E, ALPHARETTA, GA, 30005**, FORSYTH, COUNTY did commit the offense of **BATTERY SUBSTANTIAL PHYSICAL HARM (Misdemeanor)** in violation of O.C.G.A. **16-5-23.1** and against **Austin Rothenberger** and the laws of the State of **GEORGIA**. The facts this affidavit for arrest is based on are: **said accused intentionally caused substantial physical harm to Austin Rothenberger, to wit: Willie Bryant did exit his vehicle and strike the victim on his face.** Prosecutor makes this affidavit that a warrant may issue for the accused person's arrest. Sworn to and subscribed before me this **6/13/2023 5:21:26 PM**

[Signature]

[Signature]

Judge: **P Bettis**

Magistrate Court of FORSYTH County

6/13/2023 5:21:16 PM

Prosecutor: **Alexandra Leonardis**

Badge: 3218 Agency: Forsyth County Sheriff

STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Coroner, Constable or Marshal of this State -- Greetings:

For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Willie Bryant** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.

Sign on **6/13/2023 5:21:26 PM**

[Signature]

24SG - 2111
WARR
Warrants
2697996



Judge: **P Bettis**

Magistrate Court of FORSYTH County

ORDER OF BOND

IT IS HEREBY ORDERED that the aforesaid accused, **Willie Bryant**, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH COUNTY in the amount of **\$2,500.00** to assure the presence of said accused at arraignment, trial and final disposition in the STATE court of FORSYTH COUNTY, State of GEORGIA.

Witness my hand and seal, this **6/13/2023 5:21:26 PM**.

[Signature]

Judge: **P Bettis**

Court of FORSYTH County

☐ FELONY	☐ FAMILY VIOLENCE	☐ PROBATION	☐ IN CUSTODY
☒ MISDEMEANOR	☐ SPECIAL CONDITIONS OF BOND	☐ PAROLE	

Execute By

[Signature] *3212

6-2-24

APPENDIX E

INCIDENT REPORT OF DEPUTY A. D. LEONARDIS
FORSYTH COUNTY SHERIFF'S OFFICE

OCA 2023-060577

Reported June 13, 2023

I N C I D E N T D A T A	Agency Name Forsyth County Sheriff's Office		INCIDENT/INVESTIGATION REPORT				Case# 2023-060577			
	ORI GA0580000						Date / Time Reported 06/13/2023 13:14 Tue			
	Location of Incident 5955 SHILOH RD E Apt. 205, Alpharetta GA		Premise Type Commercial Office		Zone/Tract S61		Last Known Secure 06/12/2023 10:48 Mon			
							At Found 06/12/2023 11:00 Mon			
V I C T I M	#1	Crime Incident(s) Battery - M		(Com)		Weapon / Tools Other		Activity N		
		16-5-23.1		M		Entry		Exit		
	#2	Crime Incident		()		Weapon / Tools		Activity		
						Entry		Exit		
	#3	Crime Incident		()		Weapon / Tools		Activity		
						Entry		Exit		
MO	Force Used/Implied Had Weapon, Weapon-Additional We/Pounding Tool									
V I C T I M	# of Victims 1		Type: INDIVIDUAL(NON LE)		Injury: Apparent Minor Injury		Domestic: NO			
	Victim/Business Name (Last, First, Middle) V1 ROTHENBERGER, AUSTIN A		Victim of Crime # 1		DOB 09/19/1995		Age 27			
	Home Address 3220 MONTEBELLO PKWY, Cumming, GA 30028-		Home Phone 678-549-9084		Business Phone		Mobile Phone			
	Employer Name/Address		Business Phone		Mobile Phone					
	VYR		Make		Model		Style			
O T H E R S	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)									
	Type: INDIVIDUAL(NON LE)		Injury:		DOB 06/01/1976		Age 47			
	Code IO		Name (Last, First, Middle) BRYANT, REBECCA D		Victim of Crime #		Relationship To Offender			
	Home Address 560 TELFAIR CT SUWANEE, GA 30024		Home Phone 770-557-2928		Business Phone		Mobile Phone			
	Employer Name/Address		Business Phone		Mobile Phone					
I N V O L V E D	Type: INDIVIDUAL(NON LE)		Injury:		DOB 02/09/1968		Age 55			
	Code IO		Name (Last, First, Middle) EUBANKS, PATRICIA TERESE		Victim of Crime #		Relationship To Offender			
	Home Address 4660 BRIGHTON LAKE DR CUMMING, GA 30040		Home Phone 678-755-6010		Business Phone		Mobile Phone			
	Employer Name/Address		Business Phone		Mobile Phone					
	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)									
P R O P E R T Y	VI #	Code	Status	Value	OJ	QTY	Property Description		Make/Model	Serial Number
	1	36	EVID	\$0.00		1	WOODEN HAMMER			
Deputy/ID# LEONARDIS, A. D. (UPD, NPCT) (B3218)										
Invest ID# (0)										
Supervisor BLEISATH, D. A. (UPD, SPCT)										
Case Status Cleared By Arrest 06/03/2024										
Case Disposition:										
Page 1										

Incident Report Additional Name List

Forsyth County Sheriff's Office

OCA: 2023-060577

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	MARTIN, MARIA T		10/08/1967	55	W	F
	Address 11215 STROUP RD , ROSWELL, GA 30075-		H: 770-205-6995			
	Empl/Addr		B: - -			
			Mobile #: - -			
2) WI 2	JORDAN, ANITA RENEE		08/20/1972	50	B	F
	Address 967 LINDBERGH DR NE , ATLANTA, GA 30324-		H: 678-663-9662			
	Empl/Addr		B: - -			
			Mobile #: - -			
3) WI 3	AHERN, RAYMOND JOHN		08/10/1991	31	W	M
	Address 4990 HYDE CT , CUMMING, GA 30040-		H: 706-983-0737			
	Empl/Addr		B: - -			
			Mobile #: - -			
4) WI 4	SMITH, JOANNA MICHELLE		09/08/1989	33	W	F
	Address 4990 HYDE CT , CUMMING, GA 30040-		H: 706-983-0082			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Forsyth County Sheriff's Office

Case #2023-060577

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers

THOMPSON, R.J. (B2491), LEONARDIS, A.D. (B3218), BARKSDALE, H.E. (B3303)

Suspect Hate / Bias Motivated: NONE (NO BIAS)

NARRATIVE

I responded to the incident location in reference to an assault that already occurred.

REPORTING OFFICER

Forsyth County Sheriff's Office

OCA

2023-060577

Victim

ROTHENBERGER, AUSTIN A

Offense

BATTERY - M

Date / Time Reported

Tue 06/13/2023 13:14

On June 12th, 2023 at approximately 1105 I, Deputy A. Leonardis and Deputy F. Guevara responded to 4955 Shiloh Rd East (South Point Financial) about an assault that already occurred. Deputy H. Barskdale arrived on scene at approximately 1100 and was able to speak to the victim who was allegedly hit with the hammer before I arrived on scene.

I met with Austin Rothenberger who was allegedly hit with the hammer and I introduced myself and asked if he could tell me what happened. Austin stated that at the new roundabout on Shiloh Road and Shiloh Road East there was a car in front of him that kept breaking and Austin was flicking them off and beeping at them and Willie Bryant (the offender) was behind Austin's car. Austin stated the car in front of him continued straight and he was turning left into the parking lot to go into work. Willie's vehicle followed behind him and parked in front of the business that Austin works at. Austin did state that he asked Willie what he was staring at and they exchanged words with each other, this resulted in Willie getting out of his car and he grabs the hammer to attack Austin. I asked Austin how many times Willie swung the hammer and he stated twice, and he was possibly hit with his other hand too. Austin stated he cannot remember if the hammer hit him or not.

I took pictures of Austin's visible marks for documentation. He had marks on his left wrist. I then went to go speak to Patricia Eubanks because she was also involved. Patricia stated that she did not see the physical altercation between Willie and Austin, but she did hear Austin open the door and yelled at someone to call 911 and asked for a bigger guy in the office to come out and help him. Patricia stated that when she came to the front door Rebecca Bryant and Austin were yelling at each other and Rebecca was pushing Austin in his chest multiple times. This is when Patricia stated she put herself in between Rebecca and Austin and grabbed Austin and told him "we don't hit women". At some point during this altercation Patricia received a hand mark on her chest from Rebecca pushing her according to Patricia.

Rebecca did work for South Point Financial but did quit after the incident.

I took a picture of Patricia's chest area where there was a red hand mark.

When Deputy Guevara and I went inside the building multiple employees stated they saw pieces of the incident that occurred either inside the building or outside and their statements were consistent with what Austin and Patricia told us outside of the building. All the employees who had information as to what happened were given statement forms to fill out.

At approximately 1152 once I was done speaking to everybody at South Point Financial, I met with Rebecca Bryant and Willie Bryant at 5910 Bethelview Road. Rebecca stated that her and Austin got into a verbal altercation, but Austin is the one who pushed her. Rebecca continued to tell me that she has had problems with Austin in the past because she has worked there previously for

REPORTING OFFICER

Forsyth County Sheriff's Office

OCA 2023-060577
Date / Time Reported Tue 06/13/2023 13:14

Victim ROTHENBERGER, AUSTIN A	Offense BATTERY - M
----------------------------------	------------------------

years before she returned this February.

Willie Bryant did not speak much because he was filling out the statement form that he was given by Deputy H. Barksdale. Deputy Barksdale stated that Willie admitted to bringing out the hammer and using his other hand to hit Austin. Willie stated that he feared Austin because Austin was approaching him that is why he took the hammer out of his Jeep and approached him. Deputy Guevara retrieved the hammer from the Jeep, and it was submitted for evidence.

On June 13th, 2023 at approximately 1009 I, Deputy A. Leonardis, and Deputy F. Guevara completed an in person follow up at 4955 Shiloh Rd and spoke with Mindy who is the owner of the company and she stated the video footage was not available at this time but she was working on it.

At approximately 1400 Anita Jordan who is one of the witnesses to the incident called and stated they had the videos downloaded for us to review. We arrived at the business at approximately 1616 and made contact with Anita.

While reviewing the video I observed Austin and Willie exchanging words back and forth between each other while Austin is standing on the sidewalk and Willie is sitting in his car. Willie made the decision to exit his vehicle with the hammer in his hand and approaches Austin. Willie did not raise the hammer towards Austin, but instead Willie used his left hand and slapped Austin in the face and walked back to the Jeep while him and Austin continued to exchange words.

The argument continued when Rebecca made contact with Austin in the parking lot and she was yelling at him and followed him into the building. When she followed him into the building you can see Rebecca still yelling at Austin and she has her finger in his face while he is yelling back at her. Austin and Rebecca were tucked behind a wall and the next thing I saw was Austin appears to bump Rebecca and Rebecca pushed him away from her. Austin then swung his arm at her and she swung back at him but they both did not make contact with each other.

The on-call Magistrate judge was contacted, and he signed a warrant for Willie Bryant for Battery.

The warrant number is CE-0146737.

Incident Report Suspect List

Forsyth County Sheriff's Office

OCA: 2023-060577

1	Name (Last, First, Middle)					Also Known As					Home Address														
	BRYANT, WILLIE BRUCE										2047 CLIFFTON TER SNELLVILLE, GA 30039 678-907-5839														
	Business Address					SHARP TRANSIT, TRUCKER, JEFFERSON																			
DOB		Age		Race		Sex		Eth		Hgt		Wgt		Hair		Eye		Skin		Driver's License / State.					
12/20/1967		55		B		M		N		511		205		BLK		BRO		ME		059346908 GA					
Scars, Marks, Tattoos, or other distinguishing features																									
TAT RIGH ARM / KILLA; TAT LEFT ARM / CROSS																									
Reported Suspect Detail				Suspect Age				Race		Sex		Eth		Height				Weight				SSN			
Weapon, Type				Feature				Make				Model				Color				Caliber		Dir of Travel			
																						Mode of Travel			
VehYr/Make/Model				Drs		Style				Color				Lic/St				VIN							

Notes

Physical Char

Build, Medium
Facial Hair / Mustac, eard
Facial Hair, Salt and Pepper
Hair Length, Bald
Medical Conditions/D, Heart Failure

Incident Report Related Property List

Forsyth County Sheriff's Office

OCA: 2023-060577

1	Property Description WOODEN HAMMER			Make		Model		Caliber	
	Color	Serial No.		Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence	Date 06/12/2023	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) Bryant, Willie Bruce			DOB 12/20/1967	Age 55	Race B	Sex M		
	Notes								

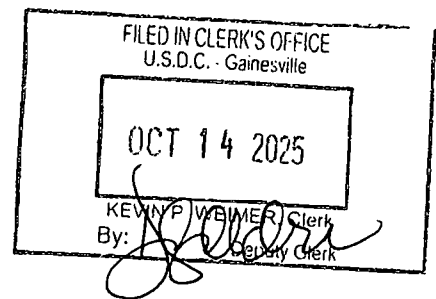
APPENDIX F

MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT AND PROPOSED FOURTH AMENDED COMPLAINT

No. 2:25-cv-00158-SCJ · Doc. Nos. 23 and 23-1

(Relevant excerpts)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION



Willie Bruce Bryant,
Plaintiff,

Case file 2:25-cv-00158 SCJ

v.

Alexandra Leonardis,
Derek Bleisath,
Daniel Sanmiguel,
Defendants.

MOTION FOR LEAVE TO FILE FOURTH AND FINAL AMENDED COMPLAINT
COMES NOW Plaintiff, Willie Bruce Bryant, by and through
undersigned counsel [or "pro se," if applicable], and respectfully
moves the Court for leave to file a Fourth and Final Amended
Complaint in the above-captioned action. In support of this
motion, Plaintiff states as follows:

1. Plaintiff Seeks Justice and Efficiency

Plaintiff requests this leave in good faith to clarify claims and
allegations, incorporate new material facts discovered since the
most recent amendment, and to fully and finally present his case
for the Court's consideration.

2. No Undue Prejudice or Delay

Defendants will not be unduly prejudiced by this amendment. The
proposed Fourth and Final Amended Complaint will not delay trial

or require further extension of deadlines. Plaintiff brings this motion at the earliest opportunity after new facts and legal authority became available.

3. Justice Requires Full and Fair Adjudication

Federal Rule of Civil Procedure 15(a)(2) provides that leave to amend should be "freely give[n] when justice so requires." Courts within the Eleventh Circuit routinely permit amendment in furtherance of clarifying and presenting a complete claim for relief.

4. Fourth and Final Amendment

Plaintiff commits that this amendment will be the last, ensuring that all claims are clearly and finally set forth for the benefit of the Court and all parties.

5. Relief Requested

WHEREFORE, Plaintiff respectfully requests that the Court grant leave to file the attached Fourth and Final Amended Complaint and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

Willie Bruce Bryant, Pro Se

[Address]

[Email]

[Phone]

[Date]

Willie Bruce Bryant

October 14, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Motion for Leave to File Fourth and Final Amended Complaint by [CM/ECF, U.S. Mail,] upon counsel of record.

JARRARD & DAVIS LLP

222 Webb Street Cumming, Georgia 30040

Telephone: (678) 455-7150

Facsimile: (678) 455-7149

kjarrard@jarrard-davis.com

mklatzkow@jarrard-davis.com *Counsel for Defendants*

bcotter@jarrard-davis.com *Alexandra Leonardis, Derek Bleisath,
and Daniel Sanmiguel*

This 14 day of October, 2025.

Willie Bruce Bryant, Pro Se

*Respectfully
Willie Bruce Bryant*

Attach your proposed Fourth and Final Amended Complaint as
"Exhibit A."

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

WILLIE BRUCE BRYANT,
Plaintiff,

v. CIVIL ACTION NO. 2:25-cv-00158-SCJ

ALEXANDRA LEONARDIS,
DEREK BLEISATH,
DANIEL P. SANMIGUEL,
Defendants.

PLAINTIFF'S FOURTH AMENDED COMPLAINT

Plaintiff, Willie Bruce Bryant, appearing pro se, files this Fourth Amended Complaint and shows the Court as follows:

PARTIES

1. Plaintiff, Willie Bruce Bryant, is a resident of Gwinnett County, Georgia.
2. Defendant Alexandra Leonardis is, upon information and belief, a law enforcement officer for Forsyth County who, at all times relevant, acted under color of law and is sued in her individual capacity.

3. Defendant Derek Bleisath is, upon information and belief, a supervisory law enforcement officer in Forsyth County who, at all times relevant, acted under color of law and is sued in his individual capacity.

4. Defendant Daniel P. Sanmiguel is, upon information and belief, the Solicitor General for the State Court of Forsyth County, Georgia, who at all times relevant acted under color of law and is sued in his individual capacity.

5. All Defendants have been properly served with process in this action.

JURISDICTION AND VENUE

6. This action is brought pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1367 for supplemental state law claims.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as all events giving rise to these claims occurred in the Northern District of Georgia.

FACTUAL ALLEGATIONS

8. On June 12, 2023, Plaintiff (Black male) was parked at 5955 Shiloh Road East, Alpharetta, Georgia. South Point financial services in a green jeep where his ex wife (White female) was employed. He was there to pick up a car key when Austin

Rothenberger (White male) entered the parking lot at a high rate of speed driving a grey BMW he sped around plaintiff parked his car and slammed the door on the car when he got out. Rothenberger walked into South Point financial services. Plaintiff texted his ex wife and said he had arrived at her job, when she came outside to bring the car key Rothenberger came outside also. Rothenberger is the son of the owner of South Point financial services.

9. Plaintiff was accosted by Rothenberger, a white supremacist who stood in the parking lot and watched Plaintiff have a conversation with his ex wife, Rothenberger was incensed to see a white woman talking to a black man in an unprovoked attack, after Plaintiff ended the conversation with his ex wife and was exiting the parking lot. Plaintiff made eye contact with Rothenberger. Rothenberger in an aggressive manner yelled at Plaintiff saying what the fuck are you looking at, Plaintiff stop his jeep and said excuse me, Rothenberger began making terroristic threats saying you heard me motherfucker get out of that jeep and I'll beat yo motherfuckin bitch ass.

10. Rothenberger's behavior constituted a breach of the peace and criminal threat under O.C.G.A. § 16-11-37.

11. Fearing for his immediate safety, Plaintiff exercised his right under O.C.G.A. § 16-3-23.1 ("Stand Your Ground") and O.C.G.A. § 16-3-21, exited his vehicle, with a hammer a verbal and physical altercation ensued Plaintiff used minimal, lawful force defending himself against Rothenberger's violent terroristic threats.

Plaintiff saw that Rothenberger did not want to fight anymore. Plaintiff left the parking lot to go meet the tow truck driver. Plaintiff immediately received a call from his ex wife saying Rothenberger had come into the building and attacked her pushed her, grabbed her hair and called her a nigger lover. Patricia a co worker stepped in between plaintiff's ex wife and Rothenberger grabbed him and said we don't hit women (police report exh. A). Plaintiff returned to South Point Financial services picked up his ex wife drove to a safe location and called Forsyth County Sheriff's Office.

12. Plaintiff truthfully disclosed these facts to responding deputy Leonardis and other Deputies and their body cameras captured Plaintiff's explanation at the scene.(DOC15 at 4). When interviewed Plaintiff told the officers that Rothenberger started the fight. Rothenberger corroborated this fact, as documented in Leonardis report, when Rothenberger said what the fuck are you looking at, however Leonardis deliberately did not include this exculpatory fact in her conclusory arrest warrant affidavit when she submitted it to the magistrate court.

13. Defendant Leonardis motivated by racial animus(sympathetic to a white supremacist who told multiple falsehoods) prepared an conclusory arrest warrant affidavit that deliberately omitted Plaintiff's statements regarding Rothenberger's aggression and threats, and failed to include the central exculpatory fact that Plaintiff acted to defend himself.

Plaintiff had no duty to retreat under Georgia's Stand Your Ground law 16-3-23.1 OCGA (DOC 15 at 4), The elements of battery were not met, this fact was not told to the Magistrate Court.

14. Defendant Bleisath reviewed Leonardis's report, gaining knowledge of the omitted central exculpatory evidence plaintiff acted to defend himself (Rothenberger's threats and aggression), and did not intervene or correct the affidavit, despite his supervisory authority and duty to ensure constitutional compliance.

15. Defendant Sanmiguel, before any prosecution commenced, personally reviewed all surveillance and body camera footage that plainly showed Plaintiff engaged only in justified self-defense. The elements of battery were not met there was no probable cause to arrest Plaintiff.

16. Plaintiff alleges that Sanmiguel, acting outside the role of an advocate and as an investigator/administrator, directed law enforcement to pursue battery charges despite knowledge of central exculpatory evidence, and approved the omission, inducing Plaintiff's prosecution and arrest. Sanmiguel's specific actions were investigative (e.g., fabricating or gathering evidence, influencing the direction of the investigation), administrative, or otherwise outside of his role as an advocate within the judicial process. Motivated by racial animus Forsyth County Sheriff's deputy Fernando Guevara (Expressing his disapproval that Plaintiff's ex-wife was seen with a black man) (He was the investigating officer who bagged the hammer as

evidence)placed a call to Plaintiff's ex wife on June 13 2023 with his racist commentary, Guevara said tell your ex husband there is an active warrant for his arrest. Plaintiff's ex wife said shouldn't you be doing that, Guevara said I think it will sound better coming from you. Plaintiff called the Forsyth County Sheriff's office there was no warrant for Plaintiff's arrest. These Defendants sat on the arrest warrant for 11 months from June 13 2023 until May 31 2024 as defendants orchestrated and conspired to violate plaintiff's clearly established rights the Forsyth County Sheriff's Office contacted plaintiff on May 31 2024 and stated there was an active warrant for his arrest for misdemeanor battery Forsyth County Sheriff's office also told plaintiff he would not have to see a judge to bond out plaintiff bail was set at \$2750.00.

Following Plaintiff's arrest, Defendant Sanmiguel's conduct was purely administrative. For example, in his June 2024 email, he wrote: 'We will respond to this request in due time but discovery is not due until 10 days before trial. You will receive it well before that deadline, but this case has not even been accused yet, let alone arraigned, so it's very early in the process.' This type of post-arrest, pre-accusation communication about procedural logistics is not advocacy—does not involve initiating or prosecuting the criminal case, appearing in court, or making strategic litigation decisions. Under the functional approach set out in Buckley v. Fitzsimmons, 509 U.S. 259, 273 (1993), and adopted by the Eleventh Circuit in Hart v. Hodges, 587 F.3d 1288, 1295 (11th Cir. 2009), absolute prosecutorial immunity does not extend to such administrative acts. Therefore,

Sanmiguel is not entitled to absolute immunity for these actions."

This legal distinction supports proceeding against Sanmiguel in his personal capacity for acts that are purely administrative, even after an arrest has occurred.(email attached)

17. As a direct result of these actions by Defendants Leonardis, Bleisath, and Sanmiguel, an arrest warrant was issued, and Plaintiff was arrested and detained.

18. Plaintiff posted a \$2,750 bail to secure his release from custody, and suffered loss of employment (after U.S. Express Transportation denied him work due to a pending background check), reputational harm, and mental distress.

19. On January 8 2025 Plaintiff filed a motion for immunity under Georgia Stand Your Ground Statute 16-3-23.1 OCGA in State Court. Citing he met force with force after Rothenberger threatened him with violent terroristic threats Plaintiff exited his vehicle fearing for his safety and lawfully defended himself against Rothenberger threats (DOC15 at 4) On April 21, 2025, The State of Georgia agreed with Plaintiff and all criminal charges against Plaintiff were dismissed in his favor, Affirming if you happen to be a Black man seen in public having a conversation with a white woman that is frowned upon in some parts of Georgia specifically Forsyth County. The Forsyth County sheriffs office and Forsyth County solicitor general's office,, employs white supremacist State actors that will lie on

you and make up fake charges ruin your reputation and put you in jail in violation of the 4th and 14th amendment to the United States Constitution. Not because a law was broken. These defendants did this to Plaintiff because he is Black and to placate Austin Rothenberger a white supremacist.

Leonardis, Bleisath and Sanmiguel reviewed raw video evidence from surveillance footage and knew Plaintiff did not commit misdemeanor battery in violation of 16-5-23 OCGA these defendants were acting outside of their discretionary function and are not entitled to qualified immunity. Leonardis knew Plaintiff did not commit misdemeanor battery in violation of 16-5-23 and knew there was no probable cause for arrest. She knew this before she submitted the conclusory affidavit was defective and didn't establish probable cause for the arrest warrant on June 13 2023. Bleisath knew there were constitutional violation after he read Leonardis report and failed to intervene. Sanmiguel acting as an investigator for nearly a year knew Plaintiff did not commit misdemeanor battery in violation of 16-5-23 OCGA and that the elements for battery were not met and all Defendants continued with the malicious prosecution. (DOC 15 at 5)

CLAIMS

Count I – 42 U.S.C. § 1983 — Malicious Prosecution 4th and 14th Amendments Violation (All Defendants)
Incorporates all paragraphs herein

20. Defendants, acting under color of law and in their individual capacities, maliciously prosecuted Plaintiff in violation of his Fourth and Fourteenth Amendment rights.

21. The prosecution was initiated with conclusory /misleading affidavit and omitted central exculpatory facts, with no probable cause given Plaintiff's valid self-defense claim under Georgia law.

22. The prosecution terminated in Plaintiff's favor; the criminal process would not have commenced but for Defendants' deliberate disregard of Plaintiff's rights.

23. Defendants are not entitled to qualified immunity because no reasonable official could believe it was lawful to omit central exculpatory facts and material evidence establishing self-defense, or to pursue prosecution lacking probable cause; see *Williams v. Aguirre*, 965 F.3d 1147, 1169 (11th Cir. 2020).

24. Defendant Sanmiguel, to the extent he acted in an investigatory and administrative, rather than advocate, role is not entitled to absolute immunity; see *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993).

I. All Defendants, Including Solicitor General Daniel Sanmiguel, Knew the Affidavit and Warrant Were Defective

On June 13, 2023, Prosecutor Alexandra Leonardis swore an affidavit containing only conclusory statements and no factual basis to support probable cause. An arrest warrant was issued that same day. Defendants, including Solicitor General Daniel Sanmiguel and Lieutenant Derek A. Bleisath, had actual and constructive notice for a full year that the affidavit was legally insufficient. Despite their respective prosecutorial and supervisory roles, they took no steps to correct the legal deficiency or withdraw the warrant.

II. Defendants Proactively Enabled an Unlawful Arrest

Defendants Leonardis, Bleisath, and Solicitor General Sanmiguel permitted the unlawful warrant to remain active and caused Willie Bryant's arrest on June 2, 2024, knowing there was no valid legal basis for the arrest. Eleventh Circuit precedent holds that “officers may be held liable for causing an arrest pursuant to a warrant which they know or should know is not supported by probable cause” (*Kelly v. Curtis*, 21 F.3d 1544, 1553 (11th Cir. 1994); *Madiwale v. Savaiko*, 117 F.3d 1321, 1326–27 (11th Cir. 1997)). Prosecutorial officials who direct, approve, or ignore such defects share constitutional liability (*Krikorian v. Roughton*, 88 F.3d 1280, 1284 (11th Cir. 1996)).

III. Qualified Immunity Is Unavailable

Where a warrant affidavit is “so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable,” all responsible officials—including the Solicitor General—lose the protection of qualified immunity (*Malley v. Briggs*, 475 U.S. 335, 345 (1986); *Kelly v. Curtis*, 21 F.3d at 1553).

IV. Plaintiff Is Entitled to Relief from All Defendants

The knowing, coordinated conduct of all Defendants—including Solicitor General Daniel Sanmiguel—led to the unlawful arrest of Willie Bryant on June 2, 2024, in violation of Fourth Amendment rights. Plaintiff is entitled to suppression of all resulting evidence, dismissal of unlawful proceedings, and recovery of civil damages under 42 U.S.C. § 1983

The affidavit supporting the arrest warrant in this case is patently defective and fails to establish probable cause as required under clearly established Eleventh Circuit law. Instead of providing specific facts, the affidavit simply recites the statutory offense found in O.C.G.A. § 16-5-23.1 and then concludes—without evidentiary support—that Defendant “intentionally caused substantial physical harm.” The only factual statement offered is that “Willie Bryant did exit his vehicle and strike the victim on his face.” There are no underlying facts, no independent witness statements, no physical evidence, and no explanation of how the affiant knows these purported facts.

The Eleventh Circuit is clear that “conclusory statements are insufficient to support issuance of a warrant.” *Garmon v. Lumpkin County*, 878 F.2d 1406, 1408 (11th Cir. 1989). Warrants may only issue upon affidavits “setting forth specific facts, not mere conclusions or parroting of the statutory language.” *Kelly v. Curtis*, 21 F.3d 1544, 1553 (11th Cir. 1994); *Madiwale v. Savaiko*, 117 F.3d 1321, 1326–27 (11th Cir. 1997). Reliance on such a conclusory affidavit, especially with actual knowledge over an extended period of its defects, strips officials of qualified immunity for any resulting deprivation of constitutional rights.

Because the affidavit at issue contains nothing more than a bare recitation of the offense and an unsupported conclusion, it fails the basic requirements of probable cause under both state and

federal law. All actions deriving from this defective warrant—especially the arrest of Willie Bryant—are unlawful and must be remedied through suppression of evidence, dismissal of proceedings, and civil damages pursuant to 42 U.S.C. § 1983.

Prosecutor Alexandra Leonardis lacked the requisite personal knowledge to support the affidavit underlying the arrest warrant. The affidavit's statements are made on "knowledge and belief" rather than sworn personal observation or firsthand information. This fundamental deficiency renders the affidavit legally insufficient.

The Eleventh Circuit has made clear that affidavits supporting warrants must be based on the affiant's personal knowledge or on reasonably reliable information with a demonstrable basis. See *Carruthers v. BSA Advertising, Inc.*, 357 F.3d 1213, 1216 (11th Cir. 2004) (affidavit must be "based on personal knowledge or on information reasonably trustworthy"); *Kelly v. Curtis*, 21 F.3d 1544, 1553 (11th Cir. 1994) (warrant affidavits cannot rest on conclusory allegations or hearsay lacking foundation).

Here, Prosecutor Leonardis was not a witness to the alleged incident, nor is there any evidence she conducted an independent investigation. The affidavit does not reference firsthand knowledge, nor identify any source of reliable information. Instead, it includes bare conclusions offered on "knowledge and belief," a phrase repeatedly rejected by courts as inadequate to establish probable cause. See *Humphrey v. State*, 231 Ga. 855, 856 (1974) ("knowledge and belief" affidavits fail to show probable cause).

Without a proper foundation of personal knowledge or factually supported information, the affidavit cannot justify the issuance of a warrant. Any enforcement based on this affidavit violates clearly established Fourth Amendment protections against unlawful arrest and search.

Count II – 42 U.S.C. § 1983 — Equal Protection (All Defendants) incorporates all paragraphs herein

A. Defendants intentionally and discriminatorily enforced the law against Plaintiff, but not against a similarly situated white individual, depriving Plaintiff of equal protection.

25. Defendants singled out Plaintiff, a Black man, for unequal treatment and prosecution while failing to charge Rothenberger for criminal threats and breach of the peace, filing a false police report that said he was hit a hammer and plaintiff swung the hammer twice, videotaped evidence confirmed plaintiff never raised the hammer and confirmed Rothenberger assaulting Plaintiff's ex-wife the video footage was reviewed by defendants, Rothenberger, a similarly situated White participant in the altercation, faced no investigation or prosecution, despite committing assault, acts of aggression and threats. Motivated by racial animus deputies asked plaintiff why didn't he just drive away. Forsyth County Sheriff's Deputies ignoring Georgia law under Georgia's STAND YOUR GROUND LAW, that

cites NO DUTY TO RETREAT , to arguably imply that the law only protects White Georgia residents.

Count III – 42 U.S.C. § 1983 — Supervisory Liability (Defendant Bleisath) incorporates all paragraphs herein

26. Defendant Bleisath had actual knowledge of the omitted central exculpatory facts and knew Plaintiff did not commit misdemeanor battery in violation of 16-5-23 OCGA and failed to intervene or correct subordinate misconduct, establishing a direct causal link to Plaintiff's damages.

27. Defendant Bleisath is not entitled to qualified immunity because a supervisor's deliberate indifference to subordinates' constitutional violations is clearly established as unconstitutional under Eleventh Circuit law; see *Gonzalez v. Reno*, 325 F.3d 1228, 1235 (11th Cir. 2003).

Count IV – State Law Malicious Prosecution (All Defendants 51-7-40 OCGA) incorporates all paragraphs herein

28. Defendants, with intent to injure and actual malice and wanton disregard for Plaintiff's clearly established rights under Georgia law, wrongfully caused his arrest and prosecution without probable cause.

29. Plaintiff suffered damages including arrest, financial loss (bail, lost wages, lost employment), reputational harm, and mental anguish.

NON-ENTITLEMENT TO IMMUNITY

30. All acts complained of herein were performed under color of law and in Defendants' individual capacities, outside the scope of any immunity.

31. Defendants are not entitled to qualified immunity, as no objectively reasonable officer or prosecutor would have prosecuted Plaintiff in light of readily available exculpatory evidence and defective affidavit that establishes no probable cause.

32. Defendant Sanmiguel is not entitled to absolute immunity to the extent he engaged in investigatory, administrative, or non-advocacy conduct as set forth above.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests 300 million dollars:

- a. Compensatory damages for all injuries proved at trial;
- b. Punitive damages for willful and malicious conduct;
- c. That he be compensated for any adverse Tax consequences as a result of judgment in his favor
- d. Any further relief deemed just and proper.

Respectfully submitted this 14 day of October, 2025.

Respectfully
Willie Bruce Bryant

Willie Bruce Bryant, Pro Se
5681 Apple Grove Road
Buford Georgia 30519
678-907-5839
willie.bryantb@icloud.com

CERTIFICATE OF SERVICE

I certify that I have served a copy of this Fourth Amended
Complaint via U.S. Mail on all Defendants previously served in this
action

JARRARD & DAVIS LLP

222 Webb Street Cumming, Georgia 30040
Telephone: (678) 455-7150
Facsimile: (678) 455-7149
kjarrard@jarrard-davis.com
mklatzkow@jarrard-davis.com *Counsel for Defendants*
bcotter@jarrard-davis.com *Alexandra Leonardis, Derek Bleisath,*
and Daniel Sanmiguel

This 14 day of October, 2025.

Willie Bruce Bryant, Pro Se

Respectfully
Willie Bruce Bryant

CRIMINAL ARREST WARRANT

GEORGIA, FORSYTH COUNTY
STATE OF GEORGIA

v.

Willie Bryant
Sex: Male DOB: 12/20/1967
Race: Black SSN:
2047 Clifton Terrace
SNELLVILLE GA 30039

POSTED
6-13-23
CH

WARRANT NO.

CE-0146737

CASE NO.

2023060577

AFFIDAVIT

Personally appeared the undersigned prosecutor, **Alexandra Leonardis** who, on oath, says that, to the best of the prosecutor's knowledge and belief, the above named accused, between **6/12/2023 10:40:00AM** and **6/12/2023 10:45:00AM** at **5955 Shiloh Rd E, ALPHARETTA, GA, 30005**, FORSYTH, COUNTY did commit the offense of **BATTERY SUBSTANTIAL PHYSICAL HARM (Misdemeanor)** in violation of O.C.G.A. **16-5-23.1** and against **Austin Rothenberger** and the laws of the State of **GEORGIA**. The facts this affidavit for arrest is based on are: **said accused intentionally caused substantial physical harm to Austin Rothenberger, to wit: Willie Bryant did exit his vehicle and strike the victim on his face.** Prosecutor makes this affidavit that a warrant may issue for the accused person's arrest. Sworn to and subscribed before me this **6/13/2023 5:21:26 PM**

[Signature]

[Signature]

Judge: **P Bettis**

Magistrate Court of FORSYTH County

6/13/2023 5:21:16 PM

Prosecutor: **Alexandra Leonardis**

Badge: 3218 Agency: Forsyth County Sheriff

STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Coroner, Constable or Marshal of this State-- Greetings:
For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the accused **Willie Bryant** named in the above affidavit, charged by the prosecutor therein with the above offense(s) against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or another judicial officer of this State to be dealt with as the law directs. Herein fail not.
Sign on **6/13/2023 5:21:26 PM**

[Signature]

24SG-2111
WARR
Warrants
2697996



Judge: **P Bettis**

Magistrate Court of FORSYTH County

ORDER OF BOND

IT IS HEREBY ORDERED that the aforesaid accused, **Willie Bryant**, be and is hereby granted bail to be made with sufficient surety as approved by the Sheriff of FORSYTH COUNTY in the amount of **\$2,500.00** to assure the presence of said accused at arraignment, trial and final disposition in the STATE court of FORSYTH COUNTY, State of **GEORGIA**.

Witness my hand and seal, this **6/13/2023 5:21:26 PM**.

[Signature]

Judge: **P Bettis**

Court of FORSYTH County

☐ FELONY	☐ FAMILY VIOLENCE	☐ PROBATION	☐ IN CUSTODY
☒ MISDEMEANOR	☐ SPECIAL CONDITIONS OF BOND	☐ PAROLE	

Execute By

[Signature] *3212

6-2-24

I N C I D E N T D A T A	Agency Name Forsyth County Sheriff's Office		INCIDENT/INVESTIGATION REPORT				Case# 2023-060577		
	ORI GA0580000						Date / Time Reported 06/13/2023 13:14 Tue		
	Location of Incident 5955 SHILOH RD E Apt. 205, Alpharetta GA		Premise Type Commercial Office		Zone/Tract S61		Last Known Secure 06/12/2023 10:48 Mon		
							At Found 06/12/2023 11:00 Mon		
V I C T I M	#1	Crime Incident(s) Battery - M 16-5-23.1		(Com) M	Weapon / Tools Other			Activity N	
					Entry			Exit	
					Security				
	#2	Crime Incident		()	Weapon / Tools			Activity	
					Entry			Exit	
					Security				
	#3	Crime Incident		()	Weapon / Tools			Activity	
					Entry			Exit	
					Security				
MO	Force Used/Implied Had Weapon, Weapon-Additional We/Pounding Tool								
V I C T I M	# of Victims	1		Type: INDIVIDUAL(NON LE)	Injury: Apparent Minor Injury		Domestic: NO		
	V1	Victim/Business Name (Last, First, Middle) ROTHENBERGER, AUSTIN A			Victim of Crime # 1	DOB 09/19/1995 Age 27	Race W	Sex M	
						Relationship To Offender 1RU	Resident Status Resident	Military Branch/Status	
	Home Address 3220 MONTEBELLO PKWY, Cumming, GA 30028-				Home Phone 678-549-9084				
	Employer Name/Address				Business Phone		Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN		
O T H E R S I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)								
	Type: INDIVIDUAL(NON LE)				Injury:				
	Code IO	Name (Last, First, Middle) BRYANT, REBECCA D			Victim of Crime #	DOB 06/01/1976 Age 47	Race W	Sex F	
						Relationship To Offender	Resident Status Non-Reside	Military Branch/Status	
	Home Address 560 TELFAIR CT SUWANEE, GA 30024				Home Phone 770-557-2928				
	Employer Name/Address				Business Phone		Mobile Phone		
I N V O L V E D	Type: INDIVIDUAL(NON LE)				Injury:				
	Code IO	Name (Last, First, Middle) EUBANKS, PATRICIA TERESE			Victim of Crime #	DOB 02/09/1968 Age 55	Race W	Sex F	
						Relationship To Offender	Resident Status Resident	Military Branch/Status	
	Home Address 4660 BRIGHTON LAKE DR CUMMING, GA 30040				Home Phone 678-755-6010				
	Employer Name/Address				Business Phone		Mobile Phone		
	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)								
P R O P E R T Y	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
	1	36	EVID	\$0.00		1	WOODEN HAMMER		
Deputy/ID# LEONARDIS, A. D. (UPD, NPCT) (B3218) Invest ID# (0) Supervisor BLEISATH, D. A. (UPD, SPCT) Status Complainant Signature Case Status Cleared by Arrest 06/03/2024 Case Disposition: Page 1									

Incident Report Additional Name List

Forsyth County Sheriff's Office

OCA: 2023-060577

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	MARTIN, MARIA T Address 11215 STROUP RD , ROSWELL, GA 30075- Empl/Addr		10/08/1967	55	W	F
			H: 770-205-6995			
			B: - -			
			Mobile #: - -			
2) WI 2	JORDAN, ANITA RENEE Address 967 LINDBERGH DR NE , ATLANTA, GA 30324- Empl/Addr		08/20/1972	50	B	F
			H: 678-663-9662			
			B: - -			
			Mobile #: - -			
3) WI 3	AHERN, RAYMOND JOHN Address 4990 HYDE CT , CUMMING, GA 30040- Empl/Addr		08/10/1991	31	W	M
			H: 706-983-0737			
			B: - -			
			Mobile #: - -			
4) WI 4	SMITH, JOANNA MICHELLE Address 4990 HYDE CT , CUMMING, GA 30040- Empl/Addr		09/08/1989	33	W	F
			H: 706-983-0082			
			B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT**Forsyth County Sheriff's Office****Case #2023-060577**

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers

THOMPSON, R.J. (B2491), LEONARDIS, A.D. (B3218), BARKSDALE, H.E. (B3303)

Suspect Hate / Bias Motivated: NONE (NO BIAS)

NARRATIVE

I responded to the incident location in reference to an assault that already occurred.

REPORTING OFFICER**Forsyth County Sheriff's Office**

OCA 2023-060577
Date / Time Reported Tue 06/13/2023 13:14

Victim

ROTHENBERGER, AUSTIN A

Offense

BATTERY - M

On June 12th, 2023 at approximately 1105 I, Deputy A. Leonardis and Deputy F. Guevara responded to 4955 Shiloh Rd East (South Point Financial) about an assault that already occurred. Deputy H. Barskdale arrived on scene at approximately 1100 and was able to speak to the victim who was allegedly hit with the hammer before I arrived on scene.

I met with Austin Rothenberger who was allegedly hit with the hammer and I introduced myself and asked if he could tell me what happened. Austin stated that at the new roundabout on Shiloh Road and Shiloh Road East there was a car in front of him that kept breaking and Austin was flicking them off and beeping at them and Willie Bryant (the offender) was behind Austin's car. Austin stated the car in front of him continued straight and he was turning left into the parking lot to go into work. Willie's vehicle followed behind him and parked in front of the business that Austin works at. Austin did state that he asked Willie what he was staring at and they exchanged words with each other, this resulted in Willie getting out of his car and he grabs the hammer to attack Austin. I asked Austin how many times Willie swung the hammer and he stated twice, and he was possibly hit with his other hand too. Austin stated he cannot remember if the hammer hit him or not.

I took pictures of Austin's visible marks for documentation. He had marks on his left wrist. I then went to go speak to Patricia Eubanks because she was also involved. Patricia stated that she did not see the physical altercation between Willie and Austin, but she did hear Austin open the door and yelled at someone to call 911 and asked for a bigger guy in the office to come out and help him. Patricia stated that when she came to the front door Rebecca Bryant and Austin were yelling at each other and Rebecca was pushing Austin in his chest multiple times. This is when Patricia stated she put herself in between Rebecca and Austin and grabbed Austin and told him "we don't hit women". At some point during this altercation Patricia received a hand mark on her chest from Rebecca pushing her according to Patricia.

Rebecca did work for South Point Financial but did quit after the incident.

I took a picture of Patricia's chest area where there was a red hand mark.

When Deputy Guevara and I went inside the building multiple employees stated they saw pieces of the incident that occurred either inside the building or outside and their statements were consistent with what Austin and Patricia told us outside of the building. All the employees who had information as to what happened were given statement forms to fill out.

At approximately 1152 once I was done speaking to everybody at South Point Financial, I met with Rebecca Bryant and Willie Bryant at 5910 Bethelview Road. Rebecca stated that her and Austin got into a verbal altercation, but Austin is the one who pushed her. Rebecca continued to tell me that she has had problems with Austin in the past because she has worked there previously for

REPORTING OFFICER**Forsyth County Sheriff's Office**

OCA 2023-060577
Date / Time Reported Tue 06/13/2023 13:14

Victim ROTHENBERGER, AUSTIN A	Offense BATTERY - M
----------------------------------	------------------------

years before she returned this February.

Willie Bryant did not speak much because he was filling out the statement form that he was given by Deputy H. Barksdale. Deputy Barksdale stated that Willie admitted to bringing out the hammer and using his other hand to hit Austin. Willie stated that he feared Austin because Austin was approaching him that is why he took the hammer out of his Jeep and approached him. Deputy Guevara retrieved the hammer from the Jeep, and it was submitted for evidence.

On June 13th, 2023 at approximately 1009 I, Deputy A. Leonardis, and Deputy F. Guevara completed an in person follow up at 4955 Shiloh Rd and spoke with Mindy who is the owner of the company and she stated the video footage was not available at this time but she was working on it.

At approximately 1400 Anita Jordan who is one of the witnesses to the incident called and stated they had the videos downloaded for us to review. We arrived at the business at approximately 1616 and made contact with Anita.

While reviewing the video I observed Austin and Willie exchanging words back and forth between each other while Austin is standing on the sidewalk and Willie is sitting in his car. Willie made the decision to exit his vehicle with the hammer in his hand and approaches Austin. Willie did not raise the hammer towards Austin, but instead Willie used his left hand and slapped Austin in the face and walked back to the Jeep while him and Austin continued to exchange words.

The argument continued when Rebecca made contact with Austin in the parking lot and she was yelling at him and followed him into the building. When she followed him into the building you can see Rebecca still yelling at Austin and she has her finger in his face while he is yelling back at her. Austin and Rebecca were tucked behind a wall and the next thing I saw was Austin appears to bump Rebecca and Rebecca pushed him away from her. Austin then swung his arm at her and she swung back at him but they both did not make contact with each other.

The on-call Magistrate judge was contacted, and he signed a warrant for Willie Bryant for Battery.

The warrant number is CE-0146737.

Incident Report Suspect List

Forsyth County Sheriff's Office

OCA: 2023-060577

1	Name (Last, First, Middle)						Also Known As				Home Address			
	BRYANT, WILLIE BRUCE										2047 CLIFFTON TER SNELLVILLE, GA 30039 678-907-5839			
	Business Address						SHARP TRANSIT, TRUCKER, JEFFERSON							
DOB		Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.			
12/20/1967		55	B	M	N	511	205	BLK	BRO	ME	059346908 GA			
Scars, Marks, Tattoos, or other distinguishing features														
TAT RIGH ARM / KILLA; TAT LEFT ARM / CROSS														
Reported Suspect Detail			Suspect Age			Race	Sex	Eth	Height		Weight		SSN	
Weapon, Type		Feature		Make		Model			Color		Caliber	Dir of Travel		
												Mode of Travel		
VehYr/Make/Model			Drs	Style		Color		Lic/St			VIN			

Notes

Physical Char

Build, Medium

Facial Hair / Mustac, eard

Facial Hair, Salt and Pepper

Hair Length, Bald

Medical Conditions/D, Heart Failure

Incident Report Related Property List

Forsyth County Sheriff's Office

OCA: 2023-060577

1	Property Description WOODEN HAMMER			Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Evidence		Date 06/12/2023		NIC #		State #		Local #	
								OAN	
Name (Last, First, Middle) Bryant, Willie Bruce				DOB 12/20/1967		Age 55		Race B	
								Sex M	

Notes

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

WILLIE BRUCE BRYANT,
Plaintiff,

v.

ALEXANDRA LEONARDIS, DEREK BLEISATH, and DANIEL
SANMIGUEL,
Defendants.
Civil Action No. 2:25-cv-00158-SCJ

[PROPOSED] ORDER GRANTING LEAVE TO FILE FINAL AMENDED COMPLAINT

ORDER

Having considered Defendants' request for Plaintiff to file one final amended pleading and good cause appearing, pursuant to Federal Rule of Civil Procedure 15(a)(2):

IT IS HEREBY ORDERED that Plaintiff is granted leave to file a Fourth and Final Amended Complaint in this action.

IT IS FURTHER ORDERED that no further amendments to the Complaint shall be permitted without prior leave of Court, absent exceptional circumstances.

IT IS FURTHER ORDERED that Defendants shall respond to the Fourth and Final Amended Complaint within the time period provided under the Federal Rules of Civil Procedure or as otherwise ordered by the Court.

IT IS SO ORDERED, this 14 day of October, 2025.

Hon. Steve C. Jones
United States District Judge
Complaint Attached

Respectfully
Willie Bruce Bryant