

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Appeal No. 25-5430

DAVID JONATHAN TULIS,
Plaintiff - Appellant

v.

BRANDON BENNETT, in his personal capacity, AUSTIN GARRETT, in his
personal capacity, and HAMILTON COUNTY, TN GOVERNMENT

Defendants - Appellees

ON APPEAL
FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
DISTRICT COURT CASE NO. 1-24-cv-00368

BRIEF OF APPELLEES

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CORPORATE DISCLOSURE STATEMENT

Pursuant to FRAP and Sixth Circuit Rule 26.1, counsel for Brandon Bennett, in his personal capacity, Austin Garrett, in his personal capacity, and Hamilton County, Tennessee, certifies that no party to this appeal is a subsidiary or affiliate of a publicly owned corporation and no publicly owned corporation that is not a party to this appeal has a financial interest in the outcome.

STATEMENT REGARDING ORAL ARGUMENT

The Plaintiff/Appellant, David Jonathan Tulis (“Appellant”) has noted oral argument in his case caption; however, the Defendants/Appellees, Brandon Bennett (“Bennett”), Sheriff Austin Garrett (“Garrett”), and Hamilton County, Tennessee (“Appellees” collectively), aver that oral argument is not necessary as the issues raised on this record and the applicable law do not satisfy the standards set forth in Fed. R. App. P. 34 (a)(2)(C) for requiring oral argument.

STATEMENT REGARDING REFERENCES TO THE RECORD

Initial references to documents in the record will include a description of the item (e.g., “Motion to Dismiss”). The Docket entry number and the initial PageID# will follow (e.g., “Motion, R. 23, PageID#1-10”). Subsequent references will include the applicable Docket entry number and initial PageID#. References to the record will be cited using the format: (“Doc. 20, Tulis Video, PageID #_”). Finally, the lower court referred to a video in evidence in this matter as the “Tulis Video” followed by a time reference.

STATEMENT OF JURISDICTION

This is an appeal of the dismissal of the Plaintiff-Appellant's federal law claims on summary judgment. This Court has jurisdiction to review the matter pursuant to 28 U.S.C.A. § 1291.

STATEMENT OF THE CASE

The matter at issue involves a traffic stop in Chattanooga, Tennessee, on November 22, 2023. This appeal arises from the dismissal of a *pro se* complaint filed by the Appellant under 42 U.S.C. § 1983. The Appellant alleged he was unlawfully arrested by Hamilton County Deputy Brandon Bennett ("Bennett") after being stopped for a visibly damaged vehicle taillight and then failing to produce a driver's license. The Appellant refused to provide his license after the stop was made because he asserted he was not operating in commerce and that the arrest violated his constitutional rights. He claimed false arrest and false imprisonment and sought injunctive relief. Compensatory damages of \$500,000.00 and punitive damages of \$24,500,000.00 are sought in this lawsuit.

The district court granted the Appellees' motions to dismiss under Fed. R. Civ. P. 12(b)(6), holding that probable cause existed to justify a warrantless arrest for both the taillight and license offenses. The lower court also rejected the arguments that non-commercial travel immunized the Appellants from traffic laws, finding such arguments "frequently raised and just as frequently rejected" by courts nationwide.

I. Procedural background

The Appellant filed his Complaint on November 19, 2024, against Bennett and Garrett in their individual capacities and against Hamilton County, Tennessee (“County”) (Complaint, Doc. 1, PageID #1). The Appellant claims he was improperly stopped, arrested, and detained by Cpl. Bennett for having a broken passenger taillight. [See Doc. 1, ¶¶ 40–49]. The Complaint states that Bennett’s actions were part of a “general warrants scheme” violative of state and federal law. [See, e.g., id., ¶¶ 3, 11, 14, 60, 68, 106].

The individual Appellees filed a Motion to Dismiss on January 14, 2025 (Doc. 14, PageID # 141), and the County filed a separate Motion to Dismiss that same day. (Doc. 16, PageID # 171). With their Motions, the Appellees submitted video evidence of the event in question. (Doc. 20, Notice of Manual Filing, PageID # 206). The Appellant has not objected to the introduction of the video at either the trial stage or on appeal. The lower court relied on both the Complaint itself and the extrinsic records in determining that there was no factual dispute between the parties but rather a legal dispute pertaining to the legality of the traffic stop and subsequent arrest. (Doc. 37, Memorandum Opinion, PageID #329).

As the trial judge put it, “Plaintiff does not argue that Bennett did not have probable cause to believe that his taillight was broken or that Plaintiff failed to produce his license. Plaintiff’s theory is simply that Bennett did not have the authority to arrest him.” (Doc. 37, PageID #336). Notably, in the Complaint, the video record, and on this appeal, the Appellant does not dispute that the taillight of his vehicle was damaged. (Doc. 37, PageID ## 335-336).

The trial court granted the Motions to Dismiss, determining that probable cause existed to justify the traffic stop, that no warrant was required for crimes committed in the presence of the officer, and that the Appellant's refusal to produce his driver's license provided a legal basis for his arrest. (Doc. 37, PageID ##336-337). The case was then dismissed. (Doc. 38, Judgment Order, PageID # 339). This appeal follows. (Doc. 39, Notice of Appeal, PageID # 340).

It should be noted that the Appellant refers to materials in his appellate brief that were not submitted to the trial court and are not a part of the record in this case. These materials are not properly the subject of supplement pursuant to Fed. R. App. P. 10(e)(2)(C) or Fed. R. Evid. 201 and should not be considered by the Court.

II. Factual Background

The lower court provided a substantial factual narrative of the event which forms the basis of this lawsuit, as follows:

On November 22, 2023, Defendant Corporal Brandon Bennett of the Hamilton County Sheriff's Department pulled over Plaintiff David Tulis. (See Doc. 1, at 12.) Bennett explained that he was stopping Plaintiff for a damaged taillight. (See Tulis Video, at 0:10–0:20.) Bennett told Plaintiff that the red plastic covering on the taillight was broken. (See *id.* at 0:20–0:35.) Plaintiff responded, "yes sir, I understand." (*Id.* at 0:35.) Bennett then requested Plaintiff's license. (See *id.*) Plaintiff did not give Bennett his license and instead asked, "why do you ask this question?" (*Id.* at 0:35–0:45.) Bennett told Plaintiff that he was in violation of a traffic law and, therefore, he was requesting Plaintiff's license. (*Id.* at 0:45–1:00.) Plaintiff responded, "do you believe I'm operating in commerce right now sir?" (*Id.* at 1:00–1:10.) Bennett told Plaintiff, "I'm not going to get into all that with you. You're driving a motor vehicle on a state roadway, so I am going to ask for your license." (*Id.*)

Bennett continued to ask for Plaintiff's license, and Plaintiff continued to refuse. (See *id.* at 1:10–2:00.) Plaintiff again asked Bennett

why he believed Plaintiff was “traveling right now in commerce.” (Id. at 2:05.) Bennett stated, “I observed you on a motorway” to which Plaintiff responded “yes.” (Id. at 2:05–2:10.) After additional discussion, Bennett asked Plaintiff, “are you going to comply and let me see your driver’s license or not?” (See id. at 4:15–25.) Bennett repeated his question two more times and Plaintiff replied “if I have a license, I’m not on the license right now . . . I do [have a license] but I have it for the purposes of carrying goods or people for hire and I rebut the presumption in your question, officer, that I’m doing that right now.” (Id. at 4:25–5:00.) Bennett responded “you’re not carrying any people. I don’t know about goods. That has nothing to do with it. . . . The issue at hand is you operating a vehicle under [] a traffic violation of the State of Tennessee.” (Id. at 5:00–25.) Bennett then asked Plaintiff to step out of the vehicle, which he did. (See id. at 5:30–45.) Bennett handcuffed Plaintiff and led him to his cruiser. (See id. at 6:00–30.) Plaintiff was then taken to the Hamilton County Detention Center where he was booked. (See Doc. 1, at 14.)

As noted above, the parties do not disagree on this set of facts but rather the law that applies to this circumstance.

STATEMENT OF THE ISSUES

1. Whether the district court properly dismissed the Appellant's § 1983 claims of false arrest and false imprisonment where the arresting officer had probable cause to make a warrantless stop based on the Appellant's taillight violation followed by his failure to produce a driver's license.

subject to VAMA

2. Whether the Appellant's theories regarding the scope of state traffic enforcement and his alleged exemption from licensing laws are legally baseless and foreclosed by substantial precedent.

bad faith framing of case
I am not exempt (law),
but insist they work

3. Whether the Appellant failed to plead any plausible basis for municipal liability under Monell against the County.

plausibly
basis!

STANDARD OF REVIEW

When considering a motion to dismiss, review of the decision of the district court is de novo. In making such a review, this Court should construe the complaint in the light most favorable to the plaintiff, accepting its allegations as true and drawing all reasonable inferences in favor of the plaintiff, all to determine whether the complaint contains sufficient factual matter to state a claim to relief that is plausible on its face. Royal Truck & Trailer Sales & Serv., Inc. v. Kraft, 974 F.3d 756 (6th Cir. 2020).

taillight = prob. cause

SUMMARY OF THE ARGUMENT

Dismissal of this action by the district court should be affirmed. The vehicle stop due to a visibly damaged taillight was supported by probable cause. Indeed, the Appellant does not contest whether probable cause existed. Thereafter, the Appellant's failure to produce a driver's license at the request of the arresting officer provided additional probable cause for an arrest. The damaged taillight and failure to produce a driver's license upon request are clear violations of Tenn. Code Ann. § 55-9-402 and 55-50-351 (West).

no prob cause because UApT, notice

ignore totality

ignore exhaust remedies

admin alleg

Longstanding precedent permits warrantless arrests for even minor misdemeanors when such are committed in an officer's presence. The Appellant's theories regarding "traveling in commerce" and the inapplicability of traffic laws have been soundly and repeatedly rejected by state and federal courts. Finally, the Appellant's Monell claim against the County fails due to the failure of the Appellant to allege any underlying constitutional violation or policy-based conduct attributable to the County.

X
X

failure to allege

prob cause of a crime - since penalty in
privilege law & not
crim code, ARGUMENT - taillight is arrestable
offense
crim auth. has no place. State cares for law to 6th Cir. PA

I. THE DISTRICT COURT CORRECTLY DISMISSED THE APPELLANT'S § 1983 CLAIMS BECAUSE PROBABLE CAUSE EXISTED FOR THE TRAFFIC STOP AND THE SUBSEQUENT ARREST BASED ON THE APPELLANT'S FAILURE TO PRODUCE A DRIVER'S LICENSE

To state a claim for false arrest under § 1983, a plaintiff must show an arrest occurred without probable cause. Voyticky v. Vill. of Timberlake, Ohio, 412 F.3d 669, 677 (6th Cir. 2005). If probable cause exists to support an arrest, however, a both false arrest and false imprisonment claims are defeated. Walker v. Schaeffer, 854 F.2d 138, 142 (6th Cir. 1988); Fineout v. Kostanko, 780 F. App'x 317, 328 (6th Cir. 2019); Lyons v. City of Xenia, 417 F.3d 565, 573 (6th Cir. 2005).

"Probable cause" has been described in this Circuit as "reasonable grounds for belief, supported by less than prima facie proof but more than mere suspicion." Sykes v. Anderson, 625 F.3d 294, 306 (6th Cir. 2010) (citation and internal quotations omitted). If "at the time of the arrest, the facts and circumstances within the arresting officer's knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent person to conclude that an individual either had committed or was committing an offense," probable cause exists. United States v. Torres-Ramos, 536 F.3d 542, 555 (6th Cir. 2008) (citation and internal quotations omitted).

In reviewing the determinations made by the arresting officer in this case, this Court "...must assess the existence of probable cause from the perspective of a

" + traffic violation "

reasonable officer on the scene" at the time the incident occurred and may not use "the 20/20 vision of hindsight." Radvansky v. City of Olmsted Falls, 395 F.3d 291, 302 (6th Cir. 2005) (citation and internal quotations omitted). Although the Appellant acknowledges the fact that his taillight was damaged, he disregards the consequences of that traffic violation. This Court states, however, that an arrest may occur by an officer "even for a misdemeanor, no matter how minor, so long as he has probable cause to believe that an offense has been committed." Holloran v. Duncan, 92 F. Supp. 3d 774, 792 (W.D. Tenn. 2015), amended, No. 13-1050, 2015 WL 12434364 (W.D. Tenn. Apr. 23, 2015) (quoting Straub v. Kilgore, 100 F. App'x 379, 383 (6th Cir. 2004)).

Not only did probable cause exist in this case but also the Appellant acknowledges such probable cause. He admitted his taillight was damaged, and video footage confirmed it. (Doc. 37, PageID ##335-336; Tenn. Code Ann. § 55-9-402). After the stop was made, the Appellant repeatedly refused to provide his driver's license when requested, which violates Tennessee law. He does not claim to have offered the license to the deputy. (Doc. 37; Tenn. Code Ann. § 55-50-351). Either of these violations, then, is sufficient to support arrest under Tennessee law and thus defeat any § 1983 claim.

Because probable cause supported both the initial stop and the arrest that followed, the fact that no warrant had been obtained is insignificant. This Court has acknowledged this legal principle repeatedly. The Fourth Amendment does not

require that law enforcement obtain a warrant before arresting a person for “crimes committed in the presence of an arresting officer.” Virginia v. Moore, 553 U.S. 164, 176, 128 S. Ct. 1598, 170 L. Ed. 2d 559 (2008); see also United States v. Watson, 423 U.S. 411, 96 S. Ct. 820, 46 L. Ed. 2d 598 (1976).

The lower court recognized that if Bennett had probable cause to stop and then arrest the Appellant for either offense, the civil rights claims fail as a matter of law, and that dismissal is a proper subject for a motion to dismiss. As the lower court also noted, Tenn Code Ann. § 55-9-402(b)(1) requires that vehicles have “two [] red tail lamps and two [] red stoplights on the rear of the vehicle.” The statute further provides that “[e]ach lamp and stoplight required in this section shall be in good condition and operational.” *Id.* A violation of the statute is a Class C misdemeanor. *Id.* The statute governing driver’s licenses, in the meantime, requires that “[e]very licensee shall have the licensee’s license in immediate possession at all times when operating a motor vehicle *and shall display it upon demand* of any officer or agent of the department or any police officer of the state, county or municipality.” Tenn. Code Ann. § 55-50-351(a) (emphasis added). Accordingly, the refusal to produce a driver’s license when requested by law enforcement is also a Class C misdemeanor. *Id.*

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descrip 1

As already stated above, the Appellant acknowledged at the time of the stop that the taillight of the vehicle he was operating was damaged. He has never since claimed anything different. Probable cause for the stop, then, is obvious.

denial of
states remedy under
VAPA

What the Appellant did next compounded his problems. He refused to produce his license despite repeated requests, and he acknowledges this refusal as well.

Because the Appellant refused to produce his license at any point, Bennett had probable cause to arrest him. See Crouch v. Elliott, No. 4:04-CV-96, 2005 WL 2122057, at *5 (E.D. Tenn. Sept. 1, 2005) (“Once plaintiff failed to produce his drivers license, [the defendant officer] had grounds to arrest him pursuant to Tenn. Code Ann. § 55-50-351.”). This also defeats the claim and makes judgment appropriate as a matter of law.

II. THE APPELLANTS’S CONSTITUTIONAL ARGUMENTS AGAINST BENNETT ARE MERITLESS FOR OTHER REASONS

The Appellant claims that he could only be arrested without a warrant for “public offenses,” which he argues must be “akin to breach of the peace” or “disorderly conduct.” (Doc. 1, PageID ## 43–44.) Added to this assertion is the Appellant’s contention that he could not be arrested for “non-commercial” travel or “non-public” offenses. These claims are not legally supportable, specifically because the Supreme Court in Atwater v. City of Lago Vista, 532 U.S. 318, 354, 121 S. Ct. 1536, 149 L. Ed. 2d 549 (2001), has already held that warrantless arrests for misdemeanors committed in an officer’s presence are constitutionally permissible.

Non-distinct grounds

As the trial court stated, there is not support for “sovereign citizen” style arguments that driving without a license is lawful if not done for profit. See State v. Lozano, No. M201701250CCAR3CD, 2018 WL 4275919, at *4 (Tenn. Crim. App.

sov citis - right to travel
me right to due process VAPA.

Sept. 7, 2018); Barnhart v. Dillinger, No. 3:16-CV-2597, 2020 WL 7024670, at *1 (N.D. Ohio Nov. 30, 2020). The Court in Atwater, 532 U.S. 318, rejected the argument that “founding-era common-law rules forbade peace officers to make warrantless misdemeanor arrests except in cases of breach of the peace.” Id. at 327 (internal quotations omitted). In declining this argument, the Court held: “If an officer has probable cause to believe that an individual has committed even a very minor criminal offense in his presence, he may, without violating the Fourth Amendment, arrest the offender.” Id. Whether considered under state law or federal law, the Appellant’s civil rights claims cannot stand.

III. NO PLAUSIBLE MONELL CLAIM WAS ALLEGED AGAINST HAMILTON COUNTY

The Complaint is deficient on its face regarding any Monell theory made against Hamilton County. The Appellant’s claim fails to identify any official policy or custom of Hamilton County that caused the alleged constitutional deprivation, as required by Monell v. Dep’t of Soc. Servs. of City of New York, 436 U.S. 658, 691, 98 S. Ct. 2018, 56 L. Ed. 2d 611 (1978). Because no constitutional violation occurred, Monell liability necessarily fails. Robertson v. Lucas, 753 F.3d 606, 622 (6th Cir. 2014).

CONCLUSION

For the reasons set forth above, this Court should affirm the ruling of the lower court and dismiss the federal causes of action against Appellees Brandon Bennett, Austin Garrett, and Hamilton County.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this pleading was provided via the Court's ECF electronic mail to all counsel of record in this case on this 6th day of August, 2025. A copy was also mailed to the *pro se* Appellant to his listed address of 10520 Brickhill Lane, Soddy-Daisy, Tennessee 37379

/R. Dee Hobbs/
R. Dee Hobbs

CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) in that it contains 3,582 words. This 6th day of August, 2025.

/R. Dee Hobbs/

¹ Ms. Milling has accepted another position within Hamilton County Government and is no longer employed as an Assistant County Attorney with the Hamilton County Attorney's Office. As part of the process of wrapping up her caseload, she has changed her address and contact information with the Tennessee Board of Professional Responsibility, and uses that contact information herein.

ADDENDUM: DESIGNATION OF RELEVANT COURT DOCUMENTS

In accordance with 6 Cir. R. 30(g), the Appellees designate as relevant documents the following filings from the district court record:

Record Number	Description	PageID#
1	Complaint	## 1-79
14	Motion to Dismiss of Brandon Bennett and Austin Garrett	## 141-144
15	Memorandum in Support of Motion to Dismiss of Brandon Bennett and Austin Garrett	## 145-170
16	Motion to Dismiss of Hamilton County	## 171-174
18	Memorandum in Support of Motion to Dismiss of Hamilton County	## 178-203
20	Amended Notice of Manual Filing	## 206-207
27	Response to Motion to Dismiss of Hamilton County	## 248-254
28	Response to Motion to Dismiss of Bennett, Garrett	## 255-294
37	Memorandum Opinion	## 329-338
38	Judgment Order	# 339
39	Notice of Appeal	# 340