COPY
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
MAR 24 2026
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

WAYLAND BRAXTON WILLIS,
Plaintiff,

v.

CV126-056

HON. SHERYL B. JOLLY,
in her official capacity for declaratory and prospective injunctive relief;

RENEE BELL,
individually and in her official capacity as Guardian ad Litem;

Defendants.

Civil Action File No.: ________________

COMPLAINT FOR DECLARATORY RELIEF, PROSPECTIVE INJUNCTIVE RELIEF, AND DAMAGES UNDER 42 U.S.C. § 1983

I. NATURE OF ACTION

1. This is a civil-rights action arising from the prolonged deprivation of a father's parental relationship with his minor child through extra-judicial restriction, judicial non-action, absence of findings, and denial of a meaningful opportunity to be heard within a meaningful time.

2. Plaintiff does not bring this action to relitigate ordinary custody disagreements or to obtain federal review of the merits of a state domestic-relations decision. Plaintiff brings this action because state actors caused and maintained a complete or near-complete deprivation of his parental rights and parent-child relationship without findings, without any evidentiary process whatsoever, and without a meaningful avenue for restoration.

3. Plaintiff alleges deprivation not by final adjudication, but by operation of silence, extra-judicial control, indefinite conditionality, and the practical enforcement of restrictions that lacked any findings of fact and any lawful procedural boundaries.

4. The Due Process Clause of the Fourteenth Amendment protects the fundamental right of a parent to the care, custody, and control of his child. Troxel v. Granville, 530 U.S. 57 (2000); Stanley v. Illinois, 405 U.S. 645 (1972). Plaintiff's claim is that Defendants, acting under color of state law, caused and maintained the effective nullification of that liberty interest without constitutionally adequate process.

II. JURISDICTION AND VENUE

5. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States.

6. This Court also has jurisdiction under 28 U.S.C. § 1343 because this action seeks redress for the deprivation, under color of state law, of rights secured by the Constitution.

7. This action is brought under 42 U.S.C. § 1983.

8. Venue is proper in this District under 28 U.S.C. § 1391(b) because the events and omissions giving rise to these claims occurred in Columbia County, Georgia, which lies within the Augusta Division of the Southern District of Georgia.

9. Plaintiff does not seek federal review of the merits of any state custody determination, nor does he ask this Court to modify, reverse, or supersede any state court order. Plaintiff seeks only adjudication of the constitutional adequacy of the process — or the absence of process — by which state actors have deprived him of a fundamental liberty interest. This action presents a federal constitutional question cognizable under 42 U.S.C. § 1983 and is not barred by the domestic-relations exception or the Rooker-Feldman doctrine, neither of which applies to claims of constitutional injury arising from state actor conduct independent of the merits of any custody adjudication. For the avoidance of doubt, Plaintiff does not ask this Court to reverse, modify, or vacate the December 9 or December 17, 2025 orders entered in state court proceedings. Plaintiff’s challenge in this action is to the constitutional adequacy of the process by which those orders and the restrictions predating them were imposed and maintained — not to the substantive custody determination underlying the modification proceeding.

9a. This action does not implicate the Younger abstention doctrine. Younger v. Harris, 401 U.S. 37 (1971), requires abstention only where state proceedings are ongoing, implicate important state interests, and provide an adequate opportunity to raise federal constitutional claims. Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423, 432 (1982). The third prong fails here. Plaintiff has filed twenty-two motions in the state trial court seeking constitutional relief. Zero motions have received rulings in 122 days. The Georgia Court of Appeals denied mandamus jurisdiction on March 6, 2026. The Superior Court mandamus proceeding has been frozen by a fee demand Plaintiff cannot afford. The state forum has proven structurally inadequate to vindicate Plaintiff's federal rights at every level simultaneously. Sprint Commc'ns, Inc. v. Jacobs, 571 U.S. 69, 78 (2013). Furthermore, Plaintiff seeks damages for constitutional violations already completed — Younger does not bar damages actions for past completed harms. Deakins v. Monaghan, 484 U.S. 193, 204 (1988).

III. PARTIES

10. Plaintiff Wayland Braxton Willis is a citizen and resident of Columbia County, Georgia, residing at 806 Whispering Willow Ct., Grovetown, Georgia 30813. He is the father of the minor child at issue in the underlying state custody proceedings.

11. Defendant Hon. Sheryl B. Jolly is, upon information and belief, a Judge of the Superior Court of Columbia County, Georgia. She is named in her official capacity for declaratory relief and, to the extent permitted by law, prospective injunctive relief only.[1]

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[1]Plaintiff names Defendant Jolly in her official capacity only at this time. Plaintiff expressly preserves the right to seek leave to amend to add individual-capacity claims against Defendant Jolly if discovery or further proceedings reveal conduct falling outside the scope of judicial function or otherwise not protected by absolute judicial immunity. Plaintiff specifically notes that the failure to rule upon a filed Affidavit of Indigency is a ministerial administrative function, not a discretionary judicial act, and is therefore not protected by absolute judicial immunity. See Forrester v. White, 484 U.S. 219, 227–228 (1988) (distinguishing judicial acts from administrative acts of judges). The prolonged pattern of non-action documented herein, spanning 121 days without ruling on any of twenty-two pending motions, operating in conjunction with the active deprivation of a fundamental parental liberty interest, is not the kind of erroneous judicial ruling to which absolute immunity was designed to apply. Plaintiff preserves all arguments that such conduct exceeds the boundaries of protected judicial function.

12. Defendant Renee Bell was, at all relevant times, the Guardian ad Litem appointed by the Superior Court of Columbia County in the underlying custody proceedings involving Plaintiff and his minor child. She is named in both her individual and official capacities.

12a. At all relevant times, Defendant Bell acted under color of state law by exercising, claiming, or operationalizing court-derived authority in connection with Plaintiff's custody, parenting time, and parent-child communication. A Guardian ad Litem appointed by and exercising authority derived from a state court acts under color of state law for purposes of 42 U.S.C. § 1983. Holloway v. Walker, 765 F.2d 517, 525 (5th Cir. 1985) (court-appointed officials exercising state-conferred authority act under color of state law); Tower v. Glover, 467 U.S. 914, 920 (1984); Dennis v. Sparks, 449 U.S. 24, 27–28 (1980). Defendant Bell's authority to act derived entirely from her court appointment; absent that appointment she had no authority over Plaintiff's parenting time or parent-child communication whatsoever.

IV. FACTUAL ALLEGATIONS

A. Underlying custodial framework and protected interest

13. Prior to the operative deprivation described herein, Plaintiff was an active, engaged, and in practice primary caregiver to his son throughout the child's life. From January through July 2021, while Plaintiff and the child's mother were still married and residing in the same home, the child's mother was enrolled in a full-time vocational program running Monday through Friday from approximately 8:30 a.m. to 3:00 p.m. During those six months, Plaintiff served as the child's primary daytime caregiver, providing the majority of the child's daily care. The parties separated in December 2021. Following separation and continuing through the divorce proceedings, Plaintiff maintained an extensive and active parenting schedule — including midweek overnights and extended weekend time — which reflected the reality that he had always been equally and often predominantly present in his son's day-to-day life. His parental role was consistent, documented, and never the subject of any adverse finding by any court or agency.

14. It was against this backdrop of active and longstanding parental involvement that Plaintiff and the child's mother entered into the custodial framework established by the Final Judgment and Decree of Divorce entered August 10, 2023.

15. The Final Decree awarded joint legal and joint physical custody on an equal basis. Plaintiff was expressly granted sole decision-making authority over the minor child's medical and educational decisions — a designation that reflects the parties' own acknowledgment of Plaintiff's central role in the child's life and wellbeing. The decree and incorporated parenting plan contemplated regular parent-child communication, and either party was expressly permitted to call or FaceTime the minor child at reasonable times.

16. No finding of abuse, neglect, or danger has ever been entered against Plaintiff in any proceeding. No report from any child welfare agency, no submission from opposing counsel, and no adjudicated determination of any kind exists in the record establishing that Plaintiff poses any risk to the minor child. The restrictions imposed upon Plaintiff's parenting time and parent-child communication were not predicated on any such finding — because none existed.

B. Informal suspension and extra-judicial control

17. In late October 2025, Plaintiff's parenting time was materially disrupted through communications and directives attributed to Defendant Bell before lawful adjudication of operative allegations. The September 17, 2025 Temporary Order governing Defendant Bell's authority expressly authorized Bell only to: (i) increase visitation to unsupervised as she deemed appropriate; (ii) require drug testing before authorizing unsupervised visitation; and (iii) conduct periodic drop-in visits. That order contained no language authorizing Bell to reduce, suspend, or terminate existing supervised visitation. Every suspension Bell directed from October 29, 2025 forward was ultra vires on the face of the controlling order.

18. On October 29, 2025, Defendant Bell communicated to Plaintiff that his visitation was being suspended. No court order existed at that time authorizing that suspension.

19. On or about November 20, 2025, Defendant Bell communicated directly with the court's Judicial Assistant outside the docketed record — without notice to Plaintiff and without an opportunity for Plaintiff to respond — seeking emergency suspension of Plaintiff's visitation. In that communication, Defendant Bell transmitted an unverified positive drug test result bearing a Chain of Custody Dispute notation, omitted from her communication the existence of subsequently obtained Medical Review Officer-verified negative results that had been provided to Plaintiff's then-counsel, and requested that an order suspending visitation be entered. Plaintiff received no notice of that communication and had no opportunity to respond before judicial action was taken.

20. On November 24, 2025, an Order Immediately Suspending Visitation was entered. The face of that order reflects that it was entered following the court's receipt of email from the Guardian ad Litem. No evidentiary hearing preceded entry of that order. No sworn testimony was taken. Plaintiff received no pre-deprivation notice or opportunity to be heard.

21. That order did not provide findings establishing that Plaintiff posed an imminent danger to the child sufficient to justify the complete and indefinite deprivation that followed.

21a. In her deposition taken in September 2025, the child's mother, Haley Crowe Morris, admitted under oath that she lacked firsthand, personal knowledge of any of the allegations forming the stated basis for the modification proceeding and the restrictions on Plaintiff's parenting time. She could not identify a single specific incident, scenario, or example to support the allegations, including the foundational claims underlying the January 9, 2025 legal proceedings. The record of the custody modification proceeding thus contained no firsthand evidentiary basis for the restrictions imposed on Plaintiff. The second stated basis for continued suspension — offered by Defendant Bell in her November 19 and November 20, 2025 communications to counsel and court staff — was a verbal report from the custodial parent that Plaintiff had appeared to be under the influence at a family gathering on November 15, 2025. The custodial parent was not present at that gathering. Documentary evidence in the form of text messages and a FaceTime call log from November 15, 2025 is inconsistent with any claim of impairment on that date. Defendant

Bell transmitted this secondhand, unverified claim to the court as a basis for requesting renewed suspension without disclosing the evidentiary deficiency, without affording Plaintiff notice or an opportunity to respond, and without any finding to support it.

22. No order entered in the case expressly suspended the parent-child communication provisions of the decree or parenting plan.

22a. In approximately mid-October 2025 — after Plaintiff had submitted to the October 16 hair follicle test and while results were pending — Defendant Bell arrived unannounced at Plaintiff's residence late at night while Plaintiff's mother and the minor child were present. This visit was captured on Plaintiff's residential doorbell camera. During that visit, Defendant Bell informed Plaintiff that the custodial parent had claimed that the minor child had communicated with Plaintiff's fiancée by FaceTime, and that the custodial parent intended to use this claim as a basis for opposing any progression toward unsupervised visitation. Defendant Bell indicated that the custodial parent was in the process of obtaining a video of the minor child making the statement. Shortly thereafter, the minor child spontaneously informed Plaintiff, without prompting or elicitation, that he had been directed to record a video stating that he had spoken with Plaintiff's fiancée, when in fact no such conversation had occurred. Plaintiff immediately changed the subject. This sequence — Defendant Bell's advance disclosure of the plan followed by the minor child's unsolicited statement — is consistent with an adult directing a child to make a false statement for use in custody litigation, and it is captured in part on contemporaneous doorbell camera footage.

22b. In September 2025, during a deposition proceeding in the underlying custody case, opposing counsel introduced a document purporting to be a screenshot from the Telegram messaging application that appeared to contain Plaintiff's name, an explicit nude image, and a telephone number. The document was not authenticated prior to introduction. No forensic foundation was established. No chain of custody was presented. The physical copy was passed among at least six individuals present in the proceeding, including Plaintiff's then-counsel, without objection. The sole physical copy was retained by Plaintiff's then-counsel and was never returned, submitted for forensic examination, challenged by motion,

or made the subject of any protective order. Plaintiff's then-counsel subsequently advised Plaintiff not to file a police report regarding the image. The introduction of unauthenticated, potentially fabricated, and highly prejudicial material of this nature into a custody proceeding, without authentication, without objection, and without any subsequent corrective action, is consistent with the broader pattern of arbitrary and capricious process that characterizes the state proceedings described herein.

23. Nevertheless, regular parent-child communication ceased or was materially denied in practice following the November 24 order.

24. Plaintiff alleges that after January 14, 2026, he had no completed communication with his son whatsoever.

C. Compliance, negative testing, and impossible conditions

25. Plaintiff did not merely comply with testing demands when directed — he proactively sought drug testing before Defendant Bell had even indicated a testing requirement. Plaintiff independently contacted the testing facility and inquired about scheduling before his first in-person meeting with Defendant Bell. Throughout the modification proceeding, Plaintiff voluntarily submitted to every test requested of him without objection or delay.

26. Plaintiff completed additional testing, including a 17-panel hair-follicle test and a PEth test, results of which were reviewed by a certified Medical Review Officer and returned negative. Plaintiff received those verified negative results on November 11, 2025, and transmitted them to his then-counsel the same day. Counsel did not file those results with the Court, did not present them to Defendant Bell, and took no action upon them during the thirteen days between November 11 and the entry of the November 24 suspension order. Defendant Bell acknowledged in her November 20, 2025 communication that she had received the negative results but framed them as insufficient in light of a new, unverified concern, without disclosing to the Court that the concern was based solely on a verbal report from a person who was not present at the event in question.

27. Plaintiff repeatedly sought clarification and restoration of contact following receipt of those negative results. No restoration followed.

28. On December 9, 2025, the state court conducted a status conference. At the outset of that proceeding, Plaintiff's then-counsel was granted leave to withdraw and immediately departed the courtroom, leaving Plaintiff unrepresented for the entirety of the substantive proceedings that followed. No sworn testimony was taken at that proceeding. No documentary evidence was formally admitted. No cross-examination occurred. The Court entered an order requiring Plaintiff to submit yet again to a 17-panel hair-follicle test and PEth blood test — tests Plaintiff had already completed with MRO-verified negative results — at a designated laboratory before 4:30 p.m. that same day. The order was signed at approximately 3:45 p.m.

29. Plaintiff immediately informed the Court in a filed motion that same-day compliance was financially impossible and requested relief, modification, or indigency-based accommodation. Among the specific requests was permission to submit the required testing through Plaintiff's existing health insurance coverage, which would have made the testing accessible at no out-of-pocket cost to Plaintiff while still producing the results the Court required.

30. Plaintiff filed an Affidavit of Indigence in connection with that financial impossibility. That affidavit was not ruled upon.

31. No timely ruling cured the immediate impossibility of same-day compliance.

32. On December 19, 2025, Plaintiff emailed Defendant Bell notifying her that the designated testing facility could not perform the required 17-panel hair-follicle and PEth testing, and requesting clarification on how to proceed. Defendant Bell responded that Plaintiff would need a court order, without clarifying whether she would seek one or whether Plaintiff was expected to do so independently. Plaintiff received no further guidance from any party. On December 21, 2025 — the Friday before Christmas and five days before the minor child's seventh birthday — Plaintiff filed a motion seeking clarification and relief, having received no response to his December 19 inquiry. No response to that motion was received from any party or the court for forty days. On January 30, 2026, the court's own Judicial Assistant confirmed in email correspondence that the designated facility could not perform the required testing. That email exchange produced

no resolution: the communications were inconsistent and inconclusive, no amended order was entered, and no alternative compliance pathway was identified or ordered.

33. Instead of restoration or clarification, the situation remained unresolved while Plaintiff's contact with his child continued to be denied in practice through the operation of conditions that could not be satisfied as written.

D. Motion stack, no findings, no hearing, no adjudication

34. From November 24, 2025 through March 15, 2026, Plaintiff filed the following twenty-two substantive motions in Case No. 2025EDR0053, each of which was accepted and docketed by the Clerk of Court and not one of which has received a ruling:

(a) Docket No. 35 | Nov. 24, 2025 — Emergency Motion to Enforce Temporary Order, Vacate Verbal Suspension of Visitation, and Request for Expedited Hearing

(b) Docket No. 36 | Nov. 24, 2025 — Motion for Contempt for Willful Violation of the September 17, 2025 Temporary Order

(c) Docket No. 38 | Nov. 25, 2025 — Motion to Vacate Order Immediately Suspending Visitation and Request for Expedited Hearing

(d) Docket No. 41 | Dec. 2, 2025 — Supplemental Objection to Counsel's Motion to Withdraw

(e) Docket No. 45 | Dec. 10, 2025 — Defendant's Motion for Relief and/or Modification of Testing Order

(f) Docket No. 48 | Dec. 18, 2025 — Motion to Correct and Supplement the Record with Affidavits and Certified Testing Documentation

(g) Docket No. 49 | Dec. 18, 2025 — Defendant's Motion to Seal Exhibit E

(h) Docket No. 50 | Dec. 21, 2025 — Defendant's Motion for Temporary Relief Pending Compliance and Clarification Regarding Testing

(i) Docket No. 51 | Jan. 1, 2026 — Defendant's Motion to Clarify the Record, Address Unadjudicated Allegations, and Request Temporary Relief

(j) Docket No. 52 | Jan. 11, 2026 — Defendant's Motion for Written Findings of Fact and Conclusions of Law and Clarification Regarding Guardian ad Litem Authority

(k) Docket No. 53 | Jan. 16, 2026 — Defendant's Motion for Protective Order Regarding Confidential Medical Information

(l) Docket No. 54 | Jan. 19, 2026 — Defendant's Motion to Prohibit Continued Reliance on Unadjudicated and Unsubstantiated Allegations

(m) Docket No. 55 | Jan. 20, 2026 — Defendant's Motion to Define and Limit Guardian ad Litem Authority and for Written Findings

(n) Docket No. 56 | Jan. 22, 2026 — Defendant's Motion for Enforcement, Sanctions, and Written Findings Based on Willful Continued Conduct After Notice

(o) Docket No. 57 | Jan. 23, 2026 — Defendant's Motion to Enforce Effect of Non-Action for Declaratory Relief Regarding Continued Restrictions

(p) Docket No. 58 | Feb. 3, 2026 — Motion to Modify Custody and for Relief Based on Prolonged Deprivation and Due Process Breakdown

(q) Docket No. 61 | Feb. 9, 2026 — Defendant's Motion for Judicial Intervention, Procedural Accountability, and Termination or Limitation of Guardian ad Litem Authority

(r) Docket No. 64 | Feb. 21, 2026 — Defendant's Motion for Protective Findings Regarding Repeated False Allegations and Abusive Litigation Conduct

(s) Docket No. 68 | Mar. 9, 2026 — Defendant's Notice of Completion of Discovery, Request for Final Evidentiary Hearing, and Motion for Temporary Relief Pending Final Trial

(t) Docket No. 69 | Mar. 10, 2026 — Defendant's Objection to Notice of Leave of Absence

(u) Docket No. 70 | Mar. 13, 2026 — Defendant's Motion to Correct the Record, Void Consent Order, and Rule on Pending Affidavit of Indigence

(v) Docket No. 75 | Mar. 15, 2026 — Defendant's Motion for Contempt and Enforcement of Court-Ordered Communication

35. Each of these filings was accepted and docketed by the Court.

36. None was withdrawn.

37. Plaintiff repeatedly requested adjudication, findings, enforcement, or judicial action throughout this period.

38. As of March 24, 2026, no rulings of any kind had been entered on any pending motion, no hearings had been scheduled, and no written findings had been entered identifying the factual and legal basis for the continuing deprivation of Plaintiff's parental rights.

39. The effect of that non-action was not neutral.

40. The effect of that non-action was to allow temporary and informal restrictions to calcify into continuing deprivation operating without judicial findings, without evidentiary foundation, and without a constitutionally adequate adjudicative process.

41. Plaintiff's parenting time was thereby reduced in practice to zero.

42. Plaintiff's parent-child communication was likewise denied in practice despite the absence of an express written order suspending that communication.

E. State mandamus effort and exhaustion of available state remedies

43. Plaintiff sought extraordinary relief in the Georgia Court of Appeals by petition for writ of mandamus seeking to compel judicial action in Case No. A26E0154.

44. On March 6, 2026, the Court of Appeals denied the petition, holding: "This Court's original mandamus jurisdiction is narrow and will be exercised sparingly" and that the Court is "authorized to grant a writ of mandamus only in matters related to an appeal or impending appeal." Arnold v. Alexander, 321 Ga. 330, 335 (1) (914 SE2d 311) (2025). The Court directed that "such petition may be filed in the appropriate superior court." The denial was based solely on jurisdictional grounds and did not address the merits of Plaintiff's claims.

45. Plaintiff filed a Petition for Writ of Mandamus in the Columbia County Superior Court, which was accepted, docketed as Case No. 2026ECV0357, and assigned to the Honorable Barry Fleming on March 17, 2026. Plaintiff has therefore pursued every available avenue of state relief, including two separate mandamus proceedings, twenty-two substantive motions in the trial court, and repeated requests for hearings, findings, and enforcement. The Clerk of Court has further obstructed the mandamus proceeding by refusing to transmit service and by conditioning presentment of a filed Affidavit of Indigency upon prior payment of fees, in direct contravention of O.C.G.A. § 9-15-2(d). The state process has not provided, and has not offered a realistic prospect of providing, a meaningful hearing within a meaningful time. The trial court is in statutory default under O.C.G.A. § 15-6-21(b), which requires a ruling within 90 days of submission; the earliest of Plaintiff's pending motions was filed November 18, 2025, now 126 days ago without ruling, which constitutes an appropriate subject for mandamus relief. Bellamy v. Rumer, 305 Ga. 638 (827 SE2d 269) (2019).

45a. The Mandamus case itself has been administratively obstructed. On March 10, 2026, the Clerk issued two contradictory rejection notices for the same filing within hours. After the Clerk acknowledged the error in writing on March 11, the petition was docketed on March 12. The Clerk then demanded $264.00 in cash and refused to present Plaintiff's filed Affidavit of Indigency to a judge as required by O.C.G.A. § 9-15-2(d). As of the filing of this Complaint, the Clerk has not complied with that ministerial statutory duty. The state forum has therefore failed at three independent levels: (1) the trial court has not ruled on twenty-two pending motions; (2) the Court of Appeals denied mandamus jurisdiction; and (3) the Clerk is actively blocking the Superior Court mandamus proceeding. No adequate state remedy remains available. Further, on March 11, 2026 — before the mandamus case was reassigned to Judge Fleming on March 17, 2026 — Defendant Jolly signed the Standing Order Requiring Mediation in Case No. 2026ECV0357 in her capacity as the presiding judge of that action, notwithstanding that she is the named Respondent in that same proceeding. This irregularity is noticed for the record as further evidence that the state judicial system has not provided and cannot provide a neutral or adequate forum for the relief Plaintiff seeks.

G. Consent Order entered without Plaintiff's knowledge, consent, or signature

45b. On December 17, 2025, Defendant Jolly entered a document titled "Consent Order for Psychological Evaluation" that imposed additional obligations on Plaintiff. The December 17 Consent Order contains no signature line for Plaintiff and bears no indication that Plaintiff agreed to its terms. Plaintiff was not presented with the document before its entry, did not sign it, and did not consent to it. The order was filed by opposing counsel Adam D. Land on behalf of the custodial parent.

45c. Under Georgia law, a consent order must bear the signatures of all parties to be valid and enforceable. Brock v. Brock, 279 Ga. 276, 277 (2005). The December 17 Consent Order is void on its face for want of Plaintiff's signature and consent. Its entry compounds the procedural deprivation described herein: at the time Defendant Jolly signed and entered this order on opposing counsel's submission, pending and unanswered before her were Plaintiff's Affidavit of Indigence filed December 9, 2025, Plaintiff's Motion for Relief and/or Modification of Testing Order filed December 10, 2025, and Plaintiff's Motion to Correct and Supplement the Record filed December 18, 2025. Defendant Jolly chose to act on opposing counsel's submission while refusing to rule on Plaintiff's pending requests — including his request for relief from the very testing obligations the "Consent Order" purported to impose.

46. Accordingly, Plaintiff has been confronted with a procedural posture in which:

a. no appealable adjudicatory order exists on the core due-process deprivation;

b. the deprivation continues in real time;

c. the trial court has not timely ruled on the pending motions or indigency request;

d. communication and parenting time remain denied in practice; and

e. the state process has failed to provide Plaintiff a meaningful hearing within a meaningful time.

47. Declaratory and other state-court relief has therefore been unavailable in any meaningful and timely sense. Plaintiff does not seek federal review of the merits of state custody determinations. He seeks adjudication of the constitutional adequacy of the process by which his parental rights have been restricted and maintained in restriction.

V. CLAIMS FOR RELIEF

COUNT I
42 U.S.C. § 1983 – PROCEDURAL DUE PROCESS
DEPRIVATION OF PARENTAL LIBERTY INTEREST WITHOUT CONSTITUTIONALLY ADEQUATE PROCESS

(Against All Defendants)

48. Plaintiff incorporates Paragraphs 1 through 47 as if fully set forth herein.

49. Plaintiff has a fundamental liberty interest in the care, custody, companionship, and control of his child, protected by the Due Process Clause of the Fourteenth Amendment. Troxel v. Granville, 530 U.S. 57, 65 (2000); Stanley v. Illinois, 405 U.S. 645, 651 (1972). The Eleventh Circuit has recognized and applied this fundamental liberty interest, holding that parents have a constitutionally protected right to family integrity that the State may not disrupt without due process. Foy v. Holston, 94 F.3d 1528, 1533 (11th Cir. 1996); Berman v. Young, 291 F. App'x 232, 234 (11th Cir. 2008).

50. The State may not deprive Plaintiff of that liberty interest without due process of law.

51. Due process requires notice and a meaningful opportunity to be heard at a meaningful time and in a meaningful manner before or during state interference with a protected liberty interest. Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

52. Application of the Mathews v. Eldridge balancing test compels the conclusion that Plaintiff was entitled to more process than he received:

    a. Private interest: Plaintiff's interest in the care, custody, and companionship of his son is among the oldest and most fundamental liberty interests recognized by the Supreme Court. Stanley v. Illinois, 405 U.S. 645, 651 (1972). That interest cannot be quantified but is constitutionally paramount.

b. Risk of erroneous deprivation: The restrictions were initiated based on an unverified positive test result bearing a Chain of Custody Dispute notation, transmitted ex parte by the Guardian ad Litem, without disclosure of subsequently obtained Medical Review Officer-verified negative results, without sworn testimony, without cross-examination, and without findings. The risk of error under those conditions is not speculative — it is documented.

c. Government interest in avoiding additional process: Minimal. The only identifiable government interest in avoiding a hearing is administrative convenience. That interest cannot outweigh the near-complete elimination of a parent-child relationship. The State had every institutional mechanism to conduct a hearing and chose not to do so.

53. Defendants, acting under color of state law, caused or substantially contributed to the deprivation of Plaintiff's parental rights and parent-child relationship.

54. Defendant Bell exercised or operationalized authority affecting Plaintiff's parenting time and communication without findings, outside the express written limits of the September 17, 2025 order, and without lawful authority to suspend existing supervised visitation.

55. Defendant Jolly, through prolonged non-action in the face of repeated motions seeking findings, clarification, enforcement, and hearing, allowed extra-judicial and informal restrictions to continue as operative deprivations without timely process.

56. Plaintiff was not provided any evidentiary hearing — meaningful or otherwise — at any point during the deprivation described herein. No evidentiary process of any kind was conducted. No evidence was formally submitted to or admitted by the Court. No sworn testimony was taken on the factual basis for the continuing restrictions on Plaintiff’s parenting time and communication.

57. Plaintiff was not provided timely written findings identifying what facts, if any, lawfully justified the continuing deprivation.

58. Plaintiff was not provided any ruling — timely or otherwise — on his indigency-based request for relief from the same-day testing compliance requirement. Two independent and

simultaneous barriers made compliance impossible: (1) Plaintiff lacked the funds to pay for the testing on the same day it was ordered, and the Affidavit of Indigence filed that evening was never ruled upon; and (2) on December 12, 2025, Plaintiff contacted the designated testing facility directly and received no response for seven days. On December 19, 2025, the facility confirmed it could not perform the required 17-panel hair-follicle and PEth testing. Either barrier alone rendered compliance with the December 9 order impossible as written. Together, they made the testing condition an indefinite obstacle with no available path to satisfaction — and no ruling from the court acknowledged either. M.L.B. v. S.L.J., 519 U.S. 102 (1996); Boddie v. Connecticut, 401 U.S. 371 (1971).

59. The continuing deprivation of Plaintiff's parental relationship through silence, indefinite delay, and practical enforcement of restrictions lacking timely adjudication violated Plaintiff's rights under the Fourteenth Amendment to the United States Constitution.

COUNT II
42 U.S.C. § 1983 – DECLARATORY RELIEF
UNCONSTITUTIONAL DEPRIVATION BY PROLONGED JUDICIAL NON-ACTION
(Against Defendant Jolly in Her Official Capacity)

60. Plaintiff incorporates Paragraphs 1 through 59 as if fully set forth herein.

61. An actual controversy exists between Plaintiff and Defendant Jolly concerning whether the continuation of severe parental deprivation through prolonged non-adjudication, absence of findings, and failure to timely rule on pending motions is constitutionally permissible.

62. Plaintiff contends that where a state court allows temporary and extra-judicial restrictions to continue for months without any adjudication, without any findings of fact, and without any hearing of any kind, the resulting deprivation is attributable to state action and violates procedural due process.

63. Plaintiff seeks a declaration that the Due Process Clause does not permit the State to maintain an effective elimination of a parent-child relationship through prolonged judicial non-action where no timely findings or meaningful hearing support the continuing deprivation.

COUNT III
42 U.S.C. § 1983 – DEPRIVATION OF PARENT-CHILD COMMUNICATION
WITHOUT WRITTEN AUTHORITY OR ADJUDICATED PROCESS
(Against All Defendants)

64. Plaintiff incorporates Paragraphs 1 through 63 as if fully set forth herein.

65. The Final Decree awarded equal joint legal and physical custody and expressly contemplated regular parent-child communication, including the right of either party to call or FaceTime the minor child at reasonable times. The Decree reflected not merely a legal framework but a pre-existing reality: prior to the modification proceeding, the minor child maintained active, daily relationships with Plaintiff, with Plaintiff's parents, and with Plaintiff's extended family. Since the imposition of the restrictions described herein, the minor child has been effectively removed from each of those foundational relationships without any finding that those relationships were harmful to him.

66. No written order entered in the case expressly suspended those communication rights.

67. Nevertheless, parent-child communication was materially denied and then wholly eliminated in practice through the directives and conduct of Defendant Bell and the non-action of Defendant Jolly.

68. The practical elimination of parent-child communication absent express written authority, any findings of fact, and any adjudicative process whatsoever deprived Plaintiff of a protected liberty interest without due process of law.

COUNT IV
42 U.S.C. § 1983 – INDIVIDUAL-CAPACITY CLAIM AGAINST BELL
EXTRA-JUDICIAL EXERCISE OF STATE-DERIVED AUTHORITY
(Against Defendant Bell Individually)

69. Plaintiff incorporates Paragraphs 1 through 68 as if fully set forth herein.

70. As Guardian ad Litem, Defendant Bell's role was to independently investigate the circumstances of the minor child and make recommendations to the Court. She did neither. She issued no written report to the court, conducted no meaningful independent investigation, made no contact with Plaintiff's family or support network, and never took

the affirmative step of increasing Plaintiff's parenting time as the September 17 Order authorized. Instead, she communicated, operationalized, and enforced restrictions on Plaintiff's parenting time and communication in a manner that functioned with binding or practical effect, including through off-the-record communications to the court requesting emergency action and through direct instructions to the custodial parent suspending contact.

71. She did so outside the express written limits of her court-appointed authority, absent timely findings, absent express written authority sufficient to eliminate Plaintiff's parental contact, and in a manner that deprived Plaintiff of constitutionally protected liberty interests.

72. Defendant Bell's own written communications document the sequence supporting punitive damages. In her November 20, 2025 email to the court's Judicial Assistant, Defendant Bell acknowledged that she had received MRO-verified negative drug test results on November 11, 2025, and that she had attempted to reinstate visitation based on those results. She then reversed that reinstatement based on a verbal report from the custodial parent that Plaintiff had appeared under the influence at a family gathering on November 15, 2025 — a gathering the custodial parent did not attend. This reversal is particularly egregious given what had occurred just weeks earlier: in a deposition that opposing counsel requested, the custodial parent had admitted under oath that she lacked firsthand, personal knowledge of any allegation forming the basis of the entire modification proceeding. The verbal report Bell acted upon came from the very person who had just demonstrated, on the record, that the foundational allegations of this proceeding were not grounded in any firsthand knowledge. Defendant Bell presented this secondhand, unverified account to the court as sufficient grounds for emergency suspension, framing the MRO-verified negative results as insufficient in light of the new concern, without disclosing to the court that the concern rested entirely on hearsay from a person who was not present at the event, who had no demonstrated firsthand knowledge of Plaintiff's conduct, and who was the adverse party in an active custody dispute. This conduct — reversing a reinstatement of parenting time based on unverifiable hearsay and presenting

that hearsay to the court as an emergency basis for adverse judicial action, without notice to Plaintiff and without any opportunity to respond — constitutes reckless or callous indifference to Plaintiff's federally protected rights sufficient to support an award of punitive damages. Smith v. Wade, 461 U.S. 30, 56 (1983).

73. Defendant Bell's conduct, taken under color of state law, was a direct and proximate cause of Plaintiff's constitutional injury and the damages described herein.

VI. INJURY AND DAMAGES

74. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered the following injuries, which are ongoing:

a. Prolonged loss of parenting time, totaling in excess of 158 days as of the date of this filing, during which Plaintiff's contact with his minor child was reduced to zero.

b. Complete loss of parent-child communication from and after January 14, 2026 (70 days as of the date of this filing), despite the absence of any express written order suspending communication rights.

c. Severe and ongoing damage to the continuity, stability, and development of the parent-child relationship with his then-six-year-old son during a critical period of the child's development.

d. Exclusion from irreplaceable family milestones, specifically: (i) a pre-wedding family gathering on November 15, 2025, attended by extended family but not the minor child; the minor child's absence from this gathering was the direct result of Defendant Bell's verbal suspension directive of October 29, 2025 — no court order authorizing suspension existed at that time — depriving the minor child of participation in a milestone event connected to the upcoming wedding of Plaintiff's only sister; (ii) the funeral of Plaintiff's grandfather on November 22, 2025, which the minor child was prevented from attending; and (iii) Plaintiff's sister's wedding in Mexico on December 10, 2025, which Plaintiff was unable to attend due to the December 9, 2025 status conference and its aftermath.

e. Physical injury. On May 4, 2025, Plaintiff suffered a pulmonary embolism. From May through October 2025, Plaintiff's treating physicians documented sustained elevated blood pressure at every clinical appointment. In October 2025, Plaintiff was prescribed Lisinopril at its lowest therapeutic dose following the sustained elevation. Plaintiff's treating physicians identified no alternative medical cause for the sustained hypertension. A thrombophilia evaluation, including screening for Factor V Leiden, returned negative. Plaintiff's physicians attributed the sustained elevation to stress. The documented onset and progression of this condition occurred during and was contemporaneous with the period of maximum procedural deprivation described herein. Plaintiff possesses MyChart records, chart notes, and prescription history documenting this injury and is prepared to supplement with a treating physician declaration.

f. Emotional distress, mental anguish, and reputational injury arising from the prolonged, public, and undignified nature of the deprivation.

g. Financial loss, including: repeated court filing costs; testing-related costs incurred throughout the modification proceeding; a paid-in-full retainer paid to prior defense counsel who subsequently withdrew without completing representation; a $500 premium charged by that same counsel as a condition of representation in a criminal matter that arose from and was initiated in the same factual context as this custody proceeding — not from any independent conduct by Plaintiff — and which was subsequently dismissed; and ongoing litigation expenditures incurred while attempting to restore lawful process in both state and federal proceedings.

75. All injuries described above are ongoing as of the date of this filing.

76. Plaintiff seeks compensatory damages against Defendant Bell in her individual capacity for all injuries caused by her conduct.

77. Plaintiff seeks punitive damages against Defendant Bell in her individual capacity based on her reckless and callous disregard for Plaintiff's federally protected parental rights, as described in Paragraph 72. Smith v. Wade, 461 U.S. 30 (1983).

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Declare that the prolonged deprivation of Plaintiff's parental rights and parent-child communication through extra-judicial restriction, prolonged judicial non-action, absence of findings, and denial of a meaningful hearing within a meaningful time violated the Fourteenth Amendment to the United States Constitution;

B. Declare that parent-child communication may not be practically eliminated by state actors absent express written authority and constitutionally adequate process;

C. Grant prospective injunctive relief, to the extent permitted by law and not barred by judicial immunity, requiring that the state court conduct a constitutionally adequate adjudicative process on the operative restrictions affecting Plaintiff's parental rights, including a meaningful evidentiary hearing and entry of written findings of fact;

D. Award compensatory damages against Defendant Bell in her individual capacity for all injuries proximately caused by her unconstitutional conduct;

E. Award punitive damages against Defendant Bell in her individual capacity based on her reckless or callous indifference to Plaintiff's federally protected rights;

F. Award taxable costs of suit pursuant to 28 U.S.C. § 1920 and, in the event Plaintiff retains counsel, reasonable attorney's fees pursuant to 42 U.S.C. § 1988;

G. Grant such other and further relief as this Court deems just and proper.

VIII. DEFENDANTS' CONDUCT VIOLATED CLEARLY ESTABLISHED LAW

78. At all times relevant to this action, it was clearly established that parents possess a fundamental liberty interest in the care, custody, and control of their children, protected by the Due Process Clause of the Fourteenth Amendment. Troxel v. Granville, 530 U.S. 57, 65 (2000); Stanley v. Illinois, 405 U.S. 645, 651 (1972).

79. It was clearly established that deprivation of parental rights requires due process — including notice, an opportunity to be heard, and a meaningful hearing before a neutral decision maker — before and during state interference with that liberty interest. Mathews v. Eldridge, 424 U.S. 319, 333 (1976); Santosky v. Kramer, 455 U.S. 745, 753 (1982).

80. It was clearly established that court-appointed officers acting under color of state law may not unilaterally suspend court-ordered visitation without judicial authorization. Cunningham v. Stovall, 376 F. App'x 921, 923 (11th Cir. 2010).

81. It was clearly established that ex parte communications to a judicial officer by a court-appointed officer that omit material exculpatory evidence violate the due process rights of the affected party. Ward v. Village of Monroeville, 409 U.S. 57, 60 (1972).

82. A reasonable official in Defendant Bell's position would have known that: (a) suspending court-ordered visitation based on an unverified drug test bearing a Chain of Custody Dispute notation, without MRO review, exceeded her express written authority; (b) transmitting that unverified result to the court ex parte while withholding MRO-verified negative results violated Plaintiff's due process rights; and (c) orally instructing the custodial parent to terminate court-ordered parent-child communication without written judicial authority deprived Plaintiff of a protected liberty interest.

83. A reasonable judicial officer in Defendant Jolly's position would have known that allowing temporary informal restrictions to function as indefinite deprivation of a fundamental parental liberty interest — through prolonged non-action on twenty-two pending motions over 122 days, without findings, without hearings, and without timely adjudication — violated clearly established constitutional requirements. Defendant Jolly's failure to rule on the December 9, 2025 Affidavit of Indigence is a ministerial administrative function not protected by absolute judicial immunity. Forrester v. White, 484 U.S. 219, 227–228 (1988).

IX. JURY DEMAND

Plaintiff demands trial by jury on all issues so triable, including all damages questions as to Defendant Bell.

Respectfully submitted, this **24th** day of **March, 2026.**

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