

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ESTATE OF LUQMAN A. ABDULLAH,)	
by its personal representative,)	
MUJAHID CARSWELL,)	
)	
Plaintiff,)	Case No.
)	Hon.
)	Magistrate:
v.)	
)	
UNIDENTIFIED FBI AGENTS, in their)	
individual capacities; jointly and severally;)	
)	
Defendants.)	

COMPLAINT AND JURY DEMAND

Plaintiff, ESTATE OF LUQMAN AMEEN ABDULLAH, through its personal representative, MUJAHID CARSWELL, and by its undersigned counsel, states as follows:

Parties

1. The decedent, Luqman A. Abdullah ("Abdullah"), was a resident of Wayne County, and was at all times relevant, a citizen of the United States.
2. Mujahid Carswell is Abdullah's oldest biological son and has been duly appointed as the personal representative of the Estate of Luqman A. Abdullah.
3. Abdullah is survived by his widow, Amina Abdullah, and ten biological children, Mujahid Carswell, Amatuallah Carswell, Maryam Carswell, Jamil Carswell, Asiyah Abdullah, Muhammad Abdullah, Shuaib Abdullah, Maimunah Abdullah, Zakiyyah Abdullah, and Zainab Abdullah.

4. Defendants Unidentified FBI Agents are employed by the Federal Bureau of Investigation ("FBI"), and include agents involved in the tactical operation that resulted in the shooting death of Abdullah. The tactical operation included a combination of the FBI-Detroit Special Weapons and Tactics Team (the "FBI-Detroit SWAT Team"), the FBI Detroit Joint Terrorism Task Force (the "FBI-Detroit JTTF"), the FBI Hostage Rescue Team (the "FBI HRT"), and the FBI canine team. The Unidentified FBI Agents are being sued in their individual capacities.

Jurisdiction and Venue

5. Under U.S. Const. Art. III §2, this Court has jurisdiction because the rights sought to be protected herein are secured by the United States Constitution. Jurisdiction is proper pursuant to 28 U.S.C. § 1331, *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and federal common law.
6. A substantial part of the unlawful acts alleged herein were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan.
7. Venue is proper under 42 U.S.C. § 1391(e) as to all Defendants because Defendants are officers of agencies of the United States sued in their individual capacities and because this judicial district is where Plaintiff resides and where a substantial part of the events or omissions giving rise to the claims occurred.

Factual Background

8. On October 28, 2009, at approximately 12:04 p.m., Abdullah, along with four other men, were at a warehouse located at 5171 Miller Rd., Dearborn, Michigan.

9. Abdullah and the four men were loading boxes at a loading dock at the warehouse.
10. Upon information and belief, the warehouse was under the control of the FBI who leased the warehouse in an undercover capacity.
11. On October 28, 2009, at approximately 12:04 p.m., FBI agents set off noise and flash bang tactical diversionary devices that caused the disorientation of Abdullah and the other four men in the warehouse.
12. On October 28, 2009, at approximately 12:04 p.m., approximately thirty Unidentified FBI Agents consisting of the FBI-Detroit SWAT Team, the FBI-Detroit JTTF, the FBI HRT, and the FBI canine team (together "FBI tactical team" or "Unidentified FBI Agents"), entered the warehouse and surrounded Abdullah and the four other men.
13. The members of the FBI tactical team were clothed in clearly marked tactical uniforms that read "FBI."
14. The Unidentified FBI Agents ordered the five men, including Abdullah, to "Get down on the ground!"
15. All five men, including Abdullah, immediately showed both of their hands and got down face down on the ground with their arms outstretched in front of them.
16. Abdullah and the four men did not pose a threat to the Unidentified FBI Agents' safety.
17. Abdullah laid down inside a trailer facing eastward, the left side of his body closest to the entrance of the trailer.
18. An Unidentified FBI Agent deployed an FBI K-9 named "Freddy" into the trailer and in the direction of Abdullah.

19. The FBI K-9 repeatedly attacked and mauled Abdullah, causing severe injuries to his left arm, including, but not limited to, his elbow, back arm, inner arm, and forearm.
20. Abdullah rolled onto his right side and grabbed the FBI K-9 with both of his hands in an attempt to defend himself and prevent the FBI K-9 from further mauling him.
21. As Abdullah struggled with the FBI K-9, Abdullah's body turned such that he was lying on his back and facing westward, the left side of his body closest to the entrance of the trailer.
22. The FBI K-9 repeatedly attacked and mauled Abdullah's face, causing severe injuries to, including but not limited to, his forehead, upper eyelid, left cheek, lower lip, lower jaw, and both hands.
23. The FBI K-9 tore off a denture device in the roof of Abdullah's mouth, and caused Abdullah's upper jaw to break.
24. Upon information and belief, while Abdullah was on his back and the FBI K-9 was repeatedly mauling, including but not limited to, his face, left arm, and hands, the Unidentified FBI Agents fired approximately twenty rounds at Abdullah.
25. The rounds were fired at, and not limited to, Abdullah's chest, abdomen, left hip, left leg, scrotum and back, causing his painful death.
26. The Unidentified FBI Agents failed to provide Abdullah with, and/or denied the provision of, proper medical attention.
27. The Unidentified FBI Agents purposely, knowingly, recklessly, improperly and without cause used excessive force by deploying the FBI K-9 to attack and maul Abdullah and firing approximately twenty rounds at Abdullah, causing his wrongful death.

28. A sworn affidavit signed by one of the four men, Muhammad Abdul Salaam, is referenced as an Exhibit to this Complaint. Muhammad Abdul Salaam is an eyewitness to the events that resulted in Abdullah's death.

COUNT I
Wrongful Death

29. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

30. As stated more fully above, the actions of the Unidentified FBI Agents on October 28, 2009, amount to excessive use of force and conduct so reckless and unreasonable as to demonstrate malicious and sadistic intent to cause injury or wrongful death to Abdullah, or substantial lack of concern for whether injury or wrongful death to Abdullah would result, in violation of the United States Constitution, *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and MCLA 691.1407(2).

31. The Unidentified FBI Agents owed Abdullah, the decedent, a duty to use due care under the United States Constitution, *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and MCLA 691.1407(2).

32. The Unidentified FBI Agents violated that duty and other federal legal obligations by their excessive use of force and by demonstrating a deliberate indifference to whether Abdullah would suffer injury or wrongful death by deploying an FBI K-9 to attack and maul him and firing approximately twenty rounds at Abdullah, causing his death.

33. The Unidentified FBI Agents intentionally and/or with reckless disregard failed to use such care and diligence to avoid Abdullah's injuries and wrongful death.

34. Abdullah suffered injuries and died as a direct and proximate result of the actions of the Unidentified FBI Agents on October 28, 2009 described above.

35. By the actions of the Unidentified FBI Agents on October 28, 2009 described above, the Unidentified FBI Agents breached the duty of care owed to Abdullah and proximately caused him to suffer economic and non-economic damages, including but not limited to, conscious pain and suffering, and pain and physical injuries, which ultimately resulted in his wrongful death.

36. Plaintiff, on behalf of the Estate of Luqman A. Abdullah, and all individuals entitled to damages under MCLA 691.1407(2), requests all damages that are fair and just, including, without limitation, the following:

- i. Reasonable medical, funeral and burial expenses;
- ii. Reasonable compensation for conscious pain and suffering, and pain and physical injuries, Abdullah suffered before his death; and,
- iii. Losses suffered by Abdullah's next of kin as result of Abdullah's death, including the loss of financial support, loss of services, loss of consortium, loss of gifts and other valuable gratuities, loss of parental training and guidance, loss of society and companionship, and all other losses suffered.

WHEREFORE, Plaintiff requests a judgment against Defendants for compensatory damages in whatever amount the jury finds necessary, and further demands a judgment against individual Defendants for punitive damages for whatever amount the jury finds

necessary, plus all such other relief this Court deems just and equitable, including costs and attorneys' fees incurred in this action.

COUNT II
**Violation of the Fourth and Fifth Amendments
to the United States Constitution**

37. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

38. Defendants violated Plaintiff's constitutionally protected rights under the Fourth and Fifth Amendment to the United States Constitution, including, but not limited to, 1) the right to be free from the use of excessive force, 2) the right to liberty, personal safety, medical care and protection, and 3) the right not to be deprived of liberty and life without due process.

39. The Unidentified FBI Agents violated their duty of care and other federal legal obligations by their excessive use of force and by demonstrating a deliberate indifference to whether Abdullah would suffer injury or wrongful death by deploying an FBI K-9 to attack and maul him and firing approximately twenty rounds at Abdullah, causing his wrongful death.

40. The Unidentified FBI Agents knew or should have known that their acts were in violation of Abdullah's constitutional rights, including, but not limited to, the use of excessive force, the failure to provide for Abdullah's personal safety, and the failure to provide and/or allow the provision of proper medical attention to Abdullah, thereby proximately causing the loss of Abdullah's life.

41. The Unidentified FBI Agents intentionally and/or with reckless disregard failed to use such care and diligence to avoid Abdullah's injuries and wrongful death.
42. Abdullah suffered injuries and died as a direct and proximate result of the actions of the Unidentified FBI Agents on October 28, 2009 described above.
43. By the actions of the Unidentified FBI Agents on October 28, 2009 described above, the Unidentified FBI Agents proximately caused Abdullah to suffer economic and non-economic damages, including but not limited to, conscious pain and suffering, and pain and physical injuries, which ultimately resulted in his wrongful death.
44. Plaintiff, on behalf of the Estate of Luqman A. Abdullah, and all individuals entitled to damages under MCLA 691.1407(2), requests all damages that are fair and just, including, without limitation, the following:

- iv. Reasonable medical, funeral and burial expenses;
- v. Reasonable compensation for conscious pain and suffering, and pain and physical injuries, Abdullah suffered before his death; and,
- vi. Losses suffered by Abdullah's next of kin as result of Abdullah's death, including the loss of financial support, loss of services, loss of consortium, loss of gifts and other valuable gratuities, loss of parental training and guidance, loss of society and companionship, and all other losses suffered.

WHEREFORE, Plaintiff requests a judgment against Defendants for compensatory damages in whatever amount the jury finds necessary, and further demands a judgment against individual Defendants for punitive damages for whatever amount the jury finds

necessary, plus all such other relief this Court deems just and equitable, including costs and attorneys' fees incurred in this action.

JURY DEMAND

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

Respectfully submitted,

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COUNCIL ON AMERICAN-ISLAMIC
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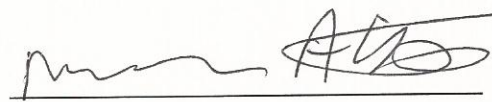
Dated: October 26, 2012

5. We arrived at the warehouse shortly before noon.
6. Abdul Saboor, Abdullah Beard, and Acie Pusha, were already present at the warehouse.
7. Two other men whom we knew as "Jibril" and "John," as well as a third man, all of whom later turned out to be confidential informants, were also present at the warehouse.
8. Abdul Saboor, Abdullah Beard, Acie Pusha, Abdullah and myself began loading boxes at a loading dock.
9. Suddenly, I heard three or four loud, ear-piercing bangs.
10. I, along with Abdullah and several others, immediately ran into the trailer to take cover.
11. I heard orders to "Get down on the ground!"
12. It was at this time that I noticed approximately thirty heavily armed FBI agents surround us from all sides.
13. I stepped out of the trailer and immediately complied by showing my hands and getting down on the ground.
14. I was positioned at an angle facing east and in such a way that I had a complete and unobstructed visual of the events that transpired next in the trailer.
15. I saw Abdullah comply by showing his hands and getting down on the ground.
16. Abdullah laid down flat on the ground inside of the trailer with his arms fully outstretched in front of him. Abdullah was also positioned facing east.
17. Abdullah was approximately 7 feet away from me.

18. I never heard orders to show our hands, and I never heard any mention of a dog that would be released if we did not comply.
19. Within a matter of two to three seconds, I saw a canine run in the direction of Abdullah and immediately start attacking him, including his face.
20. Abdullah turned over on his side and onto his back in an attempt to defend himself.
21. Abdullah held the canine with both of his hands and tried to pull it off of him to prevent it from attacking his face.
22. During the struggle, Abdullah's body turned such that Abdullah was now facing west and his left side was closer to the entrance to the trailer.
23. As Abdullah struggled to prevent the canine from attacking his face, and while Abdullah was on his back, the FBI agents began shooting at him.
24. I clearly saw Abdullah hold the canine with both of his hands.
25. Abdullah never pulled any weapon towards the canine or towards any of the FBI agents.
26. At no time during that day did I see Abdullah carry a gun or any other weapon.
27. At no time during that day did I or Abdullah talk to any of the three confidential informants.
28. At no time during that day was I or Abdullah anywhere near any of the confidential informants such that any of them could see whether Abdullah was carrying a weapon.

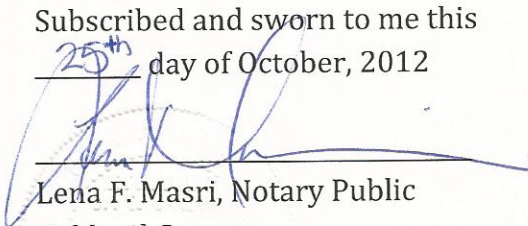
FURTHER AFFIANT SAYETH NOT.

Dated: 10-25-2012



Muhammad Abdus Salaam

Subscribed and sworn to me this
25th day of October, 2012



Lena F. Masri, Notary Public
Oakland County

My Commission Expires: 11/22/2017

