

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, EASTERN DIVISION

Robert Sutherby v. James Sukach, Michael Strader, and John Bryant
Allen

Sutherby · No. 1:25-cv-01127-STA-jay · Decided December 30, 2025

SUMMARY

The United States District Court for the Western District of Tennessee considers Defendant John Bryant Allen’s motion to dismiss claims under 42 U.S.C. § 1983 for malicious prosecution and fabrication of evidence. The order recounts allegations concerning a criminal investigation, allegedly fabricated evidence, and Plaintiff Robert Sutherby’s acquittal at trial. The court grants Allen’s motion to dismiss and denies as moot his motion directed at the superseded initial complaint.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Eastern Division
WRITING FOR THE COURT	S. Thomas Anderson
JURISDICTION	United States District Court for the Western District of Tennessee, Eastern Division
DECIDED	December 30, 2025
DOCKET	1:25-cv-01127-STA-jay
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought claims under 42 U.S.C. § 1983 against Agent John Bryant Allen for Fourth Amendment malicious prosecution and Fourth and Fourteenth Amendment fabrication of evidence. After Plaintiff filed an amended complaint in response to Allen's motion to dismiss the original complaint, Allen moved to dismiss the amended complaint under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes them in the plaintiff's favor, but need not accept legal conclusions or unwarranted factual inferences. The complaint must contain sufficient factual matter to state a plausible claim for relief under Rules 8 and 12(b)(6).

PRECEDENTIAL VALUE

Unknown; district court order with no reporter or neutral citation provided.

TOPICS

section 1983 qualified immunity motions to dismiss police misconduct due process

PRACTICE AREAS

Civil rights Constitutional law Federal civil procedure Law enforcement liability

QUESTIONS PRESENTED

1. Whether Allen's motion to dismiss the original complaint became moot when Sutherby filed an amended complaint.
2. Whether the amended complaint plausibly alleged that Allen knowingly or recklessly made false statements or fabricated evidence sufficient to rebut the indictment's presumption of probable cause and state a Fourth Amendment malicious-prosecution claim.
3. Whether the amended complaint plausibly alleged a Fourteenth Amendment fabrication-of-evidence claim by showing that allegedly fabricated evidence affected Sutherby's right to a fair trial.
4. Whether the amended complaint plausibly alleged a Fourth Amendment fabrication-of-evidence claim by showing that Allen fabricated evidence presented to the grand jury or a judge determining probable cause.
5. Whether Allen was entitled to qualified immunity.

HOLDINGS

1. Filing an amended complaint rendered the original complaint a nullity for purposes of the pending motion, so Allen's motion to dismiss the original complaint was moot.
2. The amended complaint failed to state a Fourth Amendment malicious-prosecution claim against Allen because it did not allege facts sufficient to rebut the indictment's presumption of probable cause by showing that Allen knowingly or recklessly made material false statements, fabricated evidence, or made material misleading omissions in setting the prosecution in motion.
3. The amended complaint failed to state a Fourteenth Amendment fabrication-of-evidence claim because it did not allege that evidence supposedly fabricated by Allen was introduced at trial or otherwise affected the jury's decision or Sutherby's right to a fair trial.
4. The amended complaint failed to state a Fourth Amendment fabrication-of-evidence claim because it did not allege that Allen fabricated evidence presented to the grand jury or to a judge determining probable cause.
5. Allen was entitled to qualified immunity because the amended complaint did not plausibly allege that he violated Sutherby's constitutional rights.

KEY QUOTATIONS

“Once an amended pleading is interposed, the original pleading no longer performs any function in the case.” (Analysis § I)

“At the end of the day, police had probable cause to charge Plaintiff with burglary, assault, and rape because Jordan had already provided eyewitness testimony about the events and named Plaintiff as her attacker.” (Analysis § II.A)

“The Amended Complaint fails to state a claim against Agent Allen for malicious prosecution or the fabrication of evidence.” (Conclusion)

FACTUAL BACKGROUND

Robert Sutherby operated a housing ministry in Big Sandy, Tennessee, where Teresa Jordan lived in an apartment. After Jordan made 911 calls reporting that a man had entered her apartment and assaulted her, local police investigated and Jordan eventually identified Sutherby as the alleged assailant. Tennessee Bureau of Investigation Agent John Bryant Allen later interviewed Jordan and other witnesses, prepared investigative reports, and communicated with prosecutors; a grand jury indicted Sutherby, but a jury acquitted him on all charges. Sutherby alleged that Allen fabricated or materially misstated evidence and omitted exculpatory information, thereby contributing to the prosecution.

PROCEDURAL HISTORY

Sutherby filed the original complaint on May 29, 2025. After Allen moved to dismiss, Sutherby filed an amended complaint, which rendered the original complaint functionally void and mooted the original motion to dismiss. The court denied the original motion as moot and granted Allen's motion to dismiss the amended complaint, concluding that the pleading failed to state malicious-prosecution or fabrication-of-evidence claims and that Allen was entitled to qualified immunity.

DISPOSITION

dismissed

CASES CITED

- Crawford v. Tilley, 15 F.4th 752, 759 (6th Cir. 2021)
- Heyward v. Cleveland Clinic Found., 759 F.3d 601, 617 (6th Cir. 2014)
- Pinks v. Lowe’s Home Centers, Inc., 83 F. App’x 90 (6th Cir. 2003)
- Manuel v. City of Joliet, Ill., 580 U.S. 357, 362, 370 (2017)
- Imbler v. Pachtman, 424 U.S. 409, 417 (1976)
- Wittstock v. Mark A. Van Sile, Inc., 330 F.3d 899, 902 (6th Cir. 2003)
- Albright v. Oliver, 510 U.S. 266, 274 (1994)
- Chiaverini v. City of Napoleon, Ohio, 602 U.S. 556, 558, 562 (2024)
- Thompson v. Clark, 596 U.S. 36, 43 & n.2 (2022)

- *Codrington v. Dolak*, 142 F.4th 884, 893, 895 (6th Cir. 2025)
- *Sykes v. Anderson*, 625 F.3d 294, 308–09 (6th Cir. 2010)
- *Howell v. McCormick*, 148 F.4th 834, 853 (6th Cir. 2025)
- *District of Columbia v. Wesby*, 583 U.S. 48, 57 (2018)
- *Price v. Montgomery Cnty., Ky.*, 72 F.4th 711, 725 (6th Cir. 2023)
- *King v. Harwood*, 852 F.3d 568, 587–88 (6th Cir. 2017)
- *Ahlens v. Schebil*, 188 F.3d 365, 370 (6th Cir. 1999)
- *Clark v. Abdallah*, 131 F.4th 432, 447, 453 (6th Cir. 2025)
- *Anderson v. Knox Cnty.*, No. 22-5280, 2023 WL 4536078, at *5–6 (6th Cir. July 13, 2023)
- *United States v. Burch*, 471 F.2d 1314, 1317 (6th Cir. 1973)
- *Lester v. Roberts*, 986 F.3d 599, 608 (6th Cir. 2021)
- *Franklin v. Miami Univ.*, 214 F. App'x 509, 512 (6th Cir. 2007)
- *Jackson v. City of Cleveland*, 925 F.3d 793, 815 (6th Cir. 2019)
- *Tanner v. Walters*, 98 F.4th 726, 733–34 (6th Cir. 2024)
- *Smith v. Silvernail*, No. 24-3187, 2025 WL 80370, at *6 (6th Cir. Jan. 13, 2025)
- *DeVooght v. City of Warren, Mich.*, 2025 WL 3089561, at *3 (6th Cir. Nov. 5, 2025)
- *VanPelt v. City of Detroit*, 70 F.4th 338, 340 (6th Cir. 2023)
- *Mitchell v. City of Benton Harbor, Mich.*, 137 F.4th 420, 429 (6th Cir. 2025)
- *Romero v. City of Lansing, Mich.*, 159 F.4th 1002, 1008 (6th Cir. 2025)
- *Wesley v. Campbell*, 779 F.3d 421, 433–34 (6th Cir. 2015)
- *Evans-Marshall v. Bd. of Educ. of Tipp City Exempted Vill. Sch. Dist.*, 428 F.3d 223, 235 (6th Cir. 2005)
- *Elec. Merchant Sys. LLC v. Gaal*, 58 F.4th 877, 882 (6th Cir. 2023)
- *Taylor v. City of Saginaw*, 922 F.3d 328, 331 (6th Cir. 2019)
- *Fisher v. Perron*, 30 F.4th 289, 294 (6th Cir. 2022)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 681, 687 (2009)
- *Gallivan v. United States*, 943 F.3d 291, 293 (6th Cir. 2019)
- *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 319 (2007)
- *Dura Pharm., Inc. v. Broudo*, 544 U.S. 336, 346 (2005)
- *Smith v. Gen. Motors LLC*, 988 F.3d 873, 877 (6th Cir. 2021)
- *Boland v. Holder*, 682 F.3d 531, 534 (6th Cir. 2012)
- *Ryan v. Blackwell*, 979 F.3d 519, 524 (6th Cir. 2020)
- Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* § 10, at 107 (2012)