

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

**JUN 13 2025
Clerk, U.S. Courts
District of Montana
Missoula Division**

**DENNIS THORNTON,
Plaintiff,**

Case No: CV 25-83-M-KLD

v.

**FLATHEAD COUNTY;
TRAVIS AHNER, in his official
and individual capacities;
ASHLEY FRECHETTE, in her official
and individual capacities;
MICHAEL NOONAN in his official
and individual capacities;
ANGELA ROLAND in her official
and individual capacities;
and
JOHN and JANE DOES 1-10,
Defendants.**

COMPLAINT

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. §§ 1983,
1985; 18 U.S.C. § 1018; REQUEST FOR DECLARATORY RELIEF,
DAMAGES, AND JURY DEMAND**

I. JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. §§ 1983, 1985 and 18 U.S.C. § 1018 for violations of Plaintiff's rights under the United States Constitution and federal law.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 (federal question), 1343(a)(3) (civil rights), and 1367 (supplemental jurisdiction).
3. Venue is proper in this district under 28 U.S.C. § 1391(b), as the events giving rise to the claims occurred in Flathead County, Montana.

II. PARTIES

4. Plaintiff Dennis Thornton is a resident of Flathead County, Montana, and a shareholder and officer of Thorco Inc.
5. Defendant Flathead County is a political subdivision of the State of Montana.
6. Defendant Travis Ahner is the County Attorney for Flathead County and is sued in both his official and individual capacities.
7. Ashley Frechette was at all times relevant to this case the Deputy County Attorney for Flathead County and is sued in both her official and individual capacities.
8. Michael Noonan was at all times relevant to this case the Deputy County Attorney for Flathead County and is sued in both his official and individual capacities. Michael Noonan is currently Assistant Attorney General with the Montana Department of Justice.
9. Angela Roland was at all times relevant to this case the Deputy County Attorney for Flathead County and is sued in both her official and individual capacities.
10. Defendants John and Jane Does 1-10 are unknown persons or entities who participated in the violations alleged herein.

III. INTRODUCTION

11. This case is brought under 42 U.S.C. § 1983 upon the grounds of knowing, willful and intentional malicious prosecution.
12. The following in relevant part constitutes the “Elements of Malicious Prosecution” (Under Federal § 1983 and Montana Law);

13. This Plaintiff alleges, has demonstrated and will prove all of the following:
- (a) **A criminal proceeding was initiated against this Plaintiff** – (e.g., CR-22-61).
 - (b) **The defendants were involved in initiating or continuing the prosecution** – (County Attorney’s Office).
 - (c) **The proceeding was resolved in favor of the Plaintiff** – (case dismissed).
 - (d) **There was no probable cause to initiate the proceeding** – (Sheriff advised against charges; evidence showed ownership of the subject property).
 - (e) **The proceeding was initiated with malice** – (e.g., ignoring exculpatory evidence).
 - (f) **The Plaintiff suffered damages** – (financial, reputational, emotional harm).
14. Under federal law, the claim is brought under 42 U.S.C. § 1983, asserting a violation of your Fourth Amendment right to be free from unlawful seizure and prosecution.
15. Supporting Federal Case Law:
- Thompson v. Clark**, 596 U.S. 36 (2022): The U.S. Supreme Court held that a plaintiff asserting a §1983 malicious prosecution claim need only show that the prosecution ended without a conviction — not necessarily that it ended “with affirmative indications of innocence.”*
- Albright v. Oliver**, 510 U.S. 266 (1994): Establishes that malicious prosecution under §1983 can be brought as a due process claim or Fourth Amendment violation.*
- Laskar v. Hurd**, 972 F.3d 1278 (11th Cir. 2020): §1983 malicious prosecution valid where case lacked probable cause and ended in dismissal.*

16. Counties are considered "**persons**" under § 1983 and **can be held liable in federal court for constitutional violations if:**
 - The violation was caused by a **policy, practice, or custom** of the county (see ***Monell v. Department of Social Services***, 436 U.S. 658 (1978)),
 - The policy or custom led to the alleged deprivation of your constitutional rights,
 - The action was taken by an official with **final policymaking authority** for the county.
17. The dismissal of the trespass case **qualifies as a "favorable termination"**.
18. Since all other elements are satisfied (as documents and the record supports), **the Plaintiff has demonstrated a valid malicious prosecution claim under both Montana law and Federal Law pursuant to §1983.**

IV. **FACTUAL ALLEGATIONS**

19. Defendant Ahner refused to fully investigate or establish probable cause in support of the criminal trespass charges against the Plaintiff.
20. Plaintiff was charged criminally (Cause No. CR-22-61) for trespass based on a property that was owned and in possession of the Plaintiff as a matter of public record.
21. The prosecution occurred and continued despite the existence of a recorded Reconveyance / Satisfaction of Mortgage and other internal County records confirming Plaintiff's continuing ownership at all times relevant.
22. The charge was filed by a Deputy County Attorney against the recommendation of Sheriff Brian Heino.

23. The criminal case was dismissed following an internal investigation by the prosecutor's office.
24. Government defendants, including Travis Ahner and agents of Flathead County, knowingly submitted and relied on false certifications and legal claims asserting that Plaintiff did not own the property, in violation of 18 U.S.C. § 1018. These filings were made despite clear evidence, including recorded documents and internal records, proving that Plaintiff retained ownership.

V. CLAIMS FOR RELIEF

Count I – 42 U.S.C. § 1983 – Malicious Prosecution

25. Defendants acted under color of state law to initiate a criminal prosecution against Plaintiff without probable cause, resulting in a deprivation of liberty.

Count II – 42 U.S.C. § 1983 – Denial of Due Process

26. Plaintiff was deprived of due process through the filing and use of false legal documents, and the failure to investigate credible evidence of criminal conduct by third parties.

Count III – 42 U.S.C. § 1983 – Deprivation of Property without Just Cause

27. Defendants deprived Plaintiff of his real and personal property interests.

Count IV – 42 U.S.C. § 1985(3) – Conspiracy to Interfere with Civil Rights

28. Defendants conspired to deprive Plaintiff of his constitutional rights through coordinated misuse of public offices and false legal process.

Count V – Violation of 18 U.S.C. § 1018 – False Official Certifications

29. Government Defendants knowingly made and used false documents and certifications concerning Plaintiff's property ownership, in violation of 18 U.S.C. § 1018. These actions were undertaken to support the unlawful prosecution and continued deprivation of property.

Count VI – Declaratory and Injunctive Relief

30. Plaintiff seeks declaratory judgment that the prosecution was unlawful and that Defendants' actions violated his rights under the Constitution.

Count VII– Monell Claim

31. Defendant Flathead County is liable under § 1983 because:
- The violation was caused by a **policy, practice, or custom** of the county (see **Monell v. Department of Social Services**, 436 U.S. 658 (1978)),
 - The policy or custom led to the alleged deprivation of Plaintiff's constitutional rights,
 - The action was taken by an official with final policymaking authority for the county.

VI. DAMAGES

32. Plaintiff seeks compensatory damages in the amount of \$50,000,000 for financial loss, emotional distress, and reputational harm.
33. Plaintiff seeks punitive damages against Defendants for knowing, willful and malicious misconduct.
34. Plaintiff seeks attorney's fees and all litigation costs under 42 U.S.C. § 1988.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to:

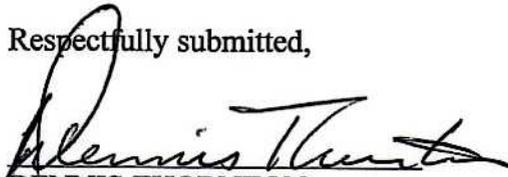
- A. Enter judgment in his favor against all Defendants;
- B. Award compensatory and punitive damages as described above;
- C. Declare that Defendants' actions violated Plaintiff's constitutional rights;
- D. Grant a permanent injunction against further retaliatory prosecution or misuse of legal process;
- E. Award attorney's fees and costs;
- F. Grant any other relief as the Court deems just and proper.

VIII. DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

DATED this 13th day of June, 2025.

Respectfully submitted,



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