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2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE SOUTHERN DISTRICT OF FLORIDA**
4 **MIAMI DIVISION**

5 **RAQUEL PACHECO,**)

6 *Plaintiff,*)

7 v.)

8 **CITY OF MIAMI BEACH,**)

9 a Florida municipal corporation;)

10 **STEVEN MEINER,**)

11 in his individual and official)

12 capacities as mayor of Miami Beach;)

13 **DAVID SUAREZ,** in his official)

14 capacity as Miami Beach City)

15 City Commissioner; **TANYA KATZOFF**)

16 **BHATT,** in her official)

17 Capacity as Miami Beach City)

18 Commissioner; **WAYNE A. JONES,**)

19 in his individual and official capacities)

20 as Chief of Miami Beach Police)

21 Department; **ERIC CARPENTER,**)

22 in his official capacity as Manager)

23 of the City of Miami Beach;)

24 and **JOHN DOES 1 and 2,** in their)

25 individual and official capacities as Miami)

26 Beach police detectives;)

27 *Defendants.*)

CASE NO. _____

Jury Trial Demanded

28
COMPLAINT FOR DECLARATORY JUDGMENT, PERMANENT
INJUNCTION, AND DAMAGES

Plaintiff RACHEL PACHECO (“Plaintiff”), by and through undersigned counsel,
brings this action against Defendants CITY OF MIAMI BEACH, STEVEN MEINER, DAVID

1 SUAREZ, WAYNE A. JONES, TANYA KATZOFF BHATT, ERIC CARPENTER, and
2 JOHN DOES (unknown police detectives) alleging as follows:

3
4 **INTRODUCTION**

5
6 1. This is an action brought under the First Amendment of the U.S. Constitution, 42
7 U.S.C. § 1983, and 42 U.S.C. § 1988, for claims of First Amendment viewpoint discrimination,
8 retaliation, and unlawful prior restraint.

9
10 2. The City of Miami Beach has established a practice of taking adverse action and
11 retaliating against individuals and groups who express support for the Palestinian people and/or
12 criticize the State of Israel. City officials wield the power of government to silence such
13 opinions.

14
15 3. This viewpoint-based discrimination takes many forms. At City Commission
16 meetings, statements supporting Palestinians and criticizing Israel are routinely cut off and met
17 with hostility from Defendants, while expressions of support for Israel are welcomed and
18 allotted more time.

19
20 4. Defendants have enacted and enforced an anti-protest ordinance that aims to
21 restrict demonstrations expressing pro-Palestinian or anti-Israeli viewpoints that is the subject
22 of a separate lawsuit. They passed an ordinance barring the City of Miami Beach from
23 contracting with parties who boycott the State of Israel. And Defendants have retaliated
24 against local institutions, including a private Miami Beach movie theater, for screening *No
25 Other Land*, an Academy Award-winning documentary depicting the experiences of
26 Palestinians in the West Bank.
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1 5. Some Defendants have also suppressed City of Miami Beach citizens’ speech on
2 social media by blocking those who express viewpoints on Palestine and Israel with which
3 they disagree.

4 6. On January 12, 2026, Defendants escalated this campaign of viewpoint-based
5 intimidation and discrimination by deploying law enforcement officers to the home of Plaintiff
6 Raquel Pacheco after she criticized the mayor’s dehumanizing statements about Palestinians
7 and the LGBTQ community on social media. Police officers knocked on her front door and
8 when she opened it, confronted her about her post, stating that her speech was “concerning,”
9 implying that it was unlawful, and ordering her to “refrain from posting things like that.”
10

11 7. Afterward, Defendants refused to disavow this action—to the contrary, they
12 defended it in the media and at a City Commission meeting.
13

14 8. The government may not single out certain politically controversial viewpoints for
15 punishment or suppression. In fact, perspectives on controversial political issues are entitled
16 to the highest level of First Amendment protection, so such action is presumptively
17 unconstitutional.
18

19 9. That is precisely what happened when the police confronted Ms. Pacheco in the
20 sanctity of her own home, effectively telling her that her protected speech was unlawful,
21 warning her not to post similar content in the future, and heavily insinuating she faced
22 prosecution if she continued to engage in this activity.
23

24 10. Defendants’ documented insistence after the fact that their conduct was not
25 improper means that there is no guarantee they will not do it again; rather, it is a strong
26 indication to the contrary.
27
28

PARTIES

1
2
3 18. Plaintiff Raquel Pacheco is a resident of Miami Beach. She is an Army National
4 Guard veteran and currently a local activist who has organized protests against government
5 overreach and attacks on civil liberties.

6 19. Defendant City of Miami Beach is a municipality that operates under the laws of
7 the State of Florida, located in Miami-Dade County, Florida.

8
9 20. Defendant Steven Meiner is the Mayor of the City of Miami Beach. His official
10 address is Miami Beach City Hall, 1700 Convention Center Drive, Fourth Floor, Miami Beach,
11 Florida, 33139. He is sued in his official and individual capacities.

12 21. Defendant David Suarez is a member of the Miami Beach City Commission. His
13 official address is Miami Beach City Hall, 1700 Convention Center Drive, Fourth Floor, Miami
14 Beach, Florida 33139. He is sued in his official capacity.

15
16 22. Defendant Tanya Katzoff Bhatt is a member of the Miami Beach City Commission.
17 Her official address is Miami Beach City Hall, 1700 Convention Center Drive, Fourth Floor,
18 Miami Beach, Florida 33139. She is sued in her official capacity.

19
20 23. Defendant Wayne A. Jones is the Police Chief of the Miami Beach Police
21 Department. His official address is Police Department, 1100 Washington Avenue, Miami
22 Beach, Florida 33139. He is sued in his official and individual capacities.

23 24. Defendant Eric Carpenter is the City Manager of the City of Miami Beach. His
24 official address is Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach,
25 Florida 33139. He is sued in his official capacity.
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1 made clear that “the purpose of the Ordinance was to impair the expression of” views critical
2 of Israel. *See* Complaint, *Jewish Voice for Peace v. City of Miami Beach*, No. 1:25-cv-24126-
3 RAR (S.D. Fla. Sept. 10, 2025).¹

4 31. In September of 2024, the Miami Beach City Commission passed an ordinance
5 prohibiting the city from contracting with entities that boycott the State of Israel; vendors must
6 certify that they do not participate in such boycotts. *See* Press Release, *StandWithUs Salutes*
7 *the City of Miami Beach for Anti-BDS Ordinance*, STANDWITHUS NEWSROOM (Sept. 11,
8 2024), <https://tinyurl.com/2p79bj3d> (last visited Mar. 20, 2026).

9 32. On March 5, 2025, Defendant Meiner wrote a strongly worded letter to the Chief
10 Executive Officer (CEO) of O Cinema, located in the City of Miami Beach. In the letter, he
11 directed the cinema to reconsider its decision to air the documentary film *No Other Land*,
12 characterizing it as “hateful propaganda,” promoting antisemitism, and antithetical to the
13 City’s “strong policy of support for the State of Israel[.]” Steven Meiner, *Scheduled Showing*
14 *of Film “No Other Land,”* (March 5, 2025), <https://tinyurl.com/vdav84st> (last visited Mar. 15,
15 2026).

16 33. *No Other Land* documents the Israeli government’s destruction of Masafer Yatta,
17 a group of Palestinian villages in the West Bank. The film is directed by a Palestinian activist
18 and an Israeli journalist, and has won several international prizes, including the Academy
19 Award for Best Documentary Feature. Lauren Costantino, *Miami Beach mayor urges theater*
20 *to cancel Oscar-winner he calls ‘hateful propaganda,’* MIAMI HERALD (Mar. 11, 2025, 1:26
21 PM), <https://tinyurl.com/y3ncz4ey> (last visited Mar. 15, 2026).

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27 ¹ The district court recently denied Plaintiff’s motion for a preliminary injunction in *Jewish Voice*
28 *for Peace* based on findings not pertinent to the instant proceeding. *See Jewish Voice for Peace v. City of Miami Beach*, No. 25-cv-24126, 2025 U.S. Dist. LEXIS 234080, at *35-36 (S.D. Fla. Dec. 1, 2025).

1 34. Disregarding Defendant Meiner’s demands, the CEO of O Cinema proceeded to air
2 the film. *See* Lauren Costantino and Aaron Leibowitz, *Miami Beach mayor moves to end o*
3 *Cinema lease after screening of Israel-Palestinian film*, MIAMI HERALD (Mar. 18, 2025, 1:53
4 PM), <https://tinyurl.com/bdf7w9ta> (last visited Mar. 15, 2026).

5 35. Shortly thereafter, or around March 13, 2025, Defendant Meiner introduced
6 Resolution C7 AA, which sought to terminate the lease of O Cinema and discontinue grants
7 that support the cinema as reprisal for its refusal to stop showing the film. *See A Resolution of*
8 *the Mayor and City Commission of the City of Miami Beach*, Miami Beach (Mar. 19, 2025),
9 <https://tinyurl.com/4dr6km2p> (last visited Mar. 15, 2026); Marc Tracy and Emily Cochrane,
10 *Florida Mayor Threatens Cinema Over Israeli-Palestinian Film*, THE NEW YORK TIMES (Mar.
11 13, 2025), <https://tinyurl.com/4dz4nuzn> (last visited Mar. 15, 2026); Lauren Costantino and
12 Aaron Leibowitz, *Miami Beach mayor moves to end o Cinema lease after screening of Israel-*
13 *Palestinian film*, MIAMI HERALD (Mar. 18, 2025, 1:53 PM), <https://tinyurl.com/bdf7w9ta> (last
14 visited Mar. 15, 2026).

15 36. After facing a week of significant public backlash nationwide, Defendant Meiner
16 withdrew this proposal. *See Florida mayor drops threat to evict cinema over No Other Land*
17 *screening*, THE GUARDIAN (Mar. 19, 2025), <https://tinyurl.com/y2ubct54> (last visited Mar. 15,
18 2026).

19 37. Nevertheless, shortly thereafter, Defendants introduced yet another resolution, R7-
20 H, in response to O Cinema’s screening of the film. *A Resolution of the Mayor and City*
21 *Commission of the City of Miami Beach*, Miami Beach (Mar. 20, 2025),
22 <https://tinyurl.com/yszuudra> (last visited Mar. 15, 2026).

1 38. Resolution R7-H “encouraged” O Cinema to “strive to showcase films that
2 highlight a fair and balanced viewpoint” of Israel. *Id.*

3
4 *ii. The City of Miami Beach Commission Meetings*

5 39. During Miami Beach City Commission meetings Citizens’ Forums, individuals
6 who express views critical of Israel or supportive of Palestinians are frequently interrupted or
7 challenged by city officials, while comments expressing support for Israel are permitted to
8 proceed without interruption.
9

10 40. A September 11, 2024, Miami Beach Commission meeting provides one example
11 of this pattern.

12 41. During the meeting’s public comment portion, a citizen opened her remarks by
13 asking Defendant Meiner not to interrupt and to allow her to speak for the full time allotted.
14 The citizen expressed opposition to a proposed resolution supporting a mission to Israel
15 intended to bolster its economy and demonstrate Miami Beach’s support for the country. *Sep.*
16 *11, 2024 Commission Meeting*, Official Website of the City of Miami Beach, (Sep. 11, 2024
17 at 25:23), <https://tinyurl.com/u68kbvvpb> (last visited Mar. 15, 2026).
18
19

20 42. About 37 seconds after she began, Defendant Meiner cut her off, characterizing her
21 comments as “hate speech” and “lies,” and her microphone was simultaneously disabled. *Id.*
22 at 26:00.

23 43. Although the citizen was eventually permitted to complete her statement,
24 Defendant Meiner continued to attack her comments, and even questioned the truthfulness of
25 her representation that she was Jewish. *Id.* at 28:21.
26

27 44. Another example of Defendant Meiner’s and the Commission’s approach to the
28 issue occurred during the April 23, 2025, meeting, at which the Commission voted on a

1 resolution to maximize investment in Israeli bonds and another aimed at attracting Israeli and
2 Jewish-owned businesses to Miami Beach.

3 45. Later in the meeting, the time allotted for public comments was reduced from two
4 minutes to sixty seconds. *Apr. 23, 2025 Commission Meeting*, Official Website of the City of
5 Miami Beach, (Apr. 23, 2025 at 19:40), <https://tinyurl.com/4x5fenc9> (last visited Mar. 15,
6 2026).

7
8 46. During this meeting, Defendant Meiner:

9 a. stated that he will continue to correct “hate speech,” following a citizen’s
10 comment opposing the resolutions mentioned above. *Id.* at 29:04;

11 b. responded to a citizen’s comment critical of the resolutions and Israel with
12 a prolonged statement about the history of Gaza and asserting that he (Meiner)
13 could speak as long as he wished as an elected official, and labeling the citizen’s
14 comment as “hate speech.” *Id.* at 41:25;

15 c. misrepresented comments by a citizen who was forcibly removed from the
16 meeting and unfairly suggesting that the individual supported the Nazis. *Id.* at
17 43:03; and

18 d. interrupted a citizen who attempted to correct Defendant Meiner’s
19 characterization of the individual ejected from the meeting and denied his request
20 to complete his remarks. *Id.* at 46:45.

21
22
23
24 47. By contrast, citizens expressing support for Israel were permitted to finish their
25 remarks without interruption and were not labeled as engaging in “hate speech” or alignment
26 with Nazism. *Id.* at 55:59.

B. THE POLICE VISIT TO PLAINTIFF’S HOME ON JANUARY 12, 2026

1
2 48. In 2019, Plaintiff became acquainted with Defendant Meiner when they were both
3 running for a seat on the Miami Beach City Commission.
4

5 49. For a time, Plaintiff and Defendant Meiner maintained a friendly relationship.

6 50. In 2023, Plaintiff sent Defendant Meiner a text message informing him that she had
7 voted for him.
8

9 51. In November 2023, having prevailed in the mayoral election, Defendant Meiner
10 assumed office as Mayor of Miami Beach.

11 52. Upon taking office, Defendant Meiner began to divert funds towards local police
12 and increased their presence on Miami Beach.

13 53. Shortly thereafter, Plaintiff began to criticize this action on the social media
14 platforms Facebook and Instagram.

15 54. On or around January 2024, Plaintiff began to criticize Defendant Meiner’s
16 unequivocal support of Israel and retaliation against anyone who disagreed with him on
17 Facebook and Instagram.
18

19 55. On January 1, 2026, Defendant Meiner publicized on Facebook that he was hosting
20 Israel’s Transportation Minister Miri Regev for the purpose of collaborating on transportation,
21 mobility, infrastructure, artificial intelligence (AI), and public safety initiatives, as well as
22 Israel’s Prime Minister Benjamin Netanyahu’s inaugural visit to South Florida. The post
23 included a picture of Defendant Meiner smiling with Prime Minister Netanyahu visible in the
24 background.
25

26 56. On or around January 1, 2026, Plaintiff replied to Defendant Meiner’s Facebook
27 post with the following comment: “SHAME on you! Standing with a baby killer and mass
28

1 murderer and bringing this trash to our beautiful city. I am so glad all of your disgusting
2 behavior is on record – it will haunt you for generations to come and I'm here for every second
3 of it.”

4 57. On January 6, 2026, in a separate Facebook post, Defendant Meiner posted the
5 following message: “Miami Beach is a safe haven for everyone. Our city is consistently ranked
6 by a broad spectrum of groups as being the most tolerant in the nation. By contrast, certain
7 places like New York City are intentionally removing protections against select groups,
8 including promoting boycotts of Israeli/Jewish businesses. Discrimination and hate against
9 Jewish people never ends with the Jewish people. We will always stand firm against any
10 discrimination.”

11 12
13 58. On January 7, 2026, Plaintiff replied to Defendant Meiner’s Facebook post stating:
14 “The guy who consistently calls for the death of all Palestinians, tried to shut down a theater
15 for showing a movie that hurt his feelings, and REFUSES to stand up for the LGBTQ
16 community in any way (even leaves the room when they vote on related matters) wants you to
17 know that you’re all welcome here.” Plaintiff concluded her reply with the inclusion of three
18 clown emojis.
19

20 59. Plaintiff also criticized Defendant Meiner’s January 6, 2026 Facebook post with
21 the following comments:

22 a. “We will stand firm against any discrimination’ - unless you’re Palestinian,
23 or Muslim or you think those people have a right to live. Then we will strike you
24 down with furry! Stevie, is this you? Is that Bibi behind you? You look sooooo
25 proud. Careful your racism is showing.” (This comment included the photo
26
27
28

1 Defendant Meiner had previously posted of himself with Prime Minister
2 Netanyahu).

3 b. “You’re joking right? Aren’t you the same guy that tried to censor a movie
4 theater? The same guy that set up ‘designated free speech zones’? You’re a joke!”
5 followed by three laughing emojis and three clown emojis.
6

7 c. “Also to clarify, NY is not removing protections for Jews, they are simply
8 not adhering to your bullshit definition of antisemitism and treating everyone
9 equally- you know, the American way. You’re the one over here enacting policies
10 that make it impossible for Americans to express themselves freely against actions
11 by a foreign state. You sir are the problem. You are the censorship king and the
12 wannabe fascist leader and you bend the knee to war criminals like Netanyahu and
13 pedophiles like Trump.”
14

15 60. On Sunday, January 11, 2026, at 7:43 p.m., Defendant Meiner sent an email to the
16 Miami Beach Police Chief, Defendant Jones, and the City Manager, Defendant Carpenter,
17 among others. In the email, Defendant Meiner stated:
18

19 “Chief, As we discussed, please see the post below.



1 61. In the middle of the night, on January 12, 2026, at 1:46 a.m., Defendant Jones
2 responded to the email from Defendant Meiner, including Defendant Carpenter in his reply.

3 62. In the reply, Defendant Jones thanked Defendant Meiner for alerting him to
4 Plaintiff's Facebook post and continued: "while she didn't issue a direct threat, her allegations
5 are undeniably provocative and have the potential to incite others to escalate to that level."

6 63. The reference to "incitement" echoes language courts use to describe a type of
7 speech that is not protected by the First Amendment.
8

9 64. On January 12, 2026, at around 1:45 p.m., Plaintiff heard a knock at her front door.

10 65. She looked through the peephole and saw a police officer (John Doe #1) standing
11 outside with his badge prominently displayed around his neck. Startled, Plaintiff quietly
12 stepped away from the door to retrieve her phone.
13

14 66. Upon returning to the door, Plaintiff stood silently for a few moments (still inside),
15 holding her phone to her chest in an attempt to calm herself down.

16 67. Before Plaintiff could do so, she heard about three more raps on the door.
17

18 68. Still shaken, Plaintiff remained silent. When there was no response, she heard John
19 Doe #1 announce: "Miami Beach Police."

20 69. From the inside of her home, and hiding behind the closed door, Plaintiff asked
21 how she could help.
22

23 70. John Doe #1 answered that he was there to discuss a Facebook post. Puzzled,
24 Plaintiff replied, "a Facebook post?" John Doe #1 responded that he wanted to confirm whether
25 the Facebook account in question belonged to Plaintiff.

26 71. Only after John Doe #1 confirmed that Plaintiff would not be arrested did she open
27 the door, at which point she was surprised to find not one but two officers—the second (John
28

1 Doe #2) was also wearing his badge around his neck. John Doe #2 stood in front of her, with
2 his back holding the door open, while John Doe #1 stood on her side, to the right.

3 72. As depicted in a video that Plaintiff recorded of the encounter, John Doe #1 showed
4 her a Facebook post and asked if it belonged to her. Plaintiff responded that she would not
5 answer questions without her attorney present.
6

7 73. Ignoring her invoking her right to an attorney's presence, John Doe #1 stated that
8 Plaintiff was not going to jail, but the officers needed to ensure they were speaking to the
9 person who made the post. John Doe #2 then read Plaintiff's post aloud.

10 74. John Doe #1 asked again if she had written the post, and Plaintiff refused to answer.
11

12 75. John Doe #2 stated that the part of the post referencing the mayor was "concerning"
13 and stated that "we're trying to prevent someone else getting agitated or agreeing with the
14 statement...that can probably incite somebody to do something radical" so "we wanted to get
15 your side of it."
16

17 76. John Doe #2 then instructed Plaintiff to "refrain from posting things like that," an
18 implication that Plaintiff understood to mean that she could face consequences for her speech
19 in the future.

20 77. Upon information and belief, these officers belong to Defendant Meiner's personal
21 protection detail.
22

23 78. Upon information and belief, given the correspondence the night before between
24 Defendants Meiner and Jones, and the fact that these officers belonged to his personal
25 protection detail, they were sent to Plaintiff's home at the direction and/or approval of
26 Defendants Meiner, Jones, or Carpenter, or some combination of these individuals.
27
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1 79. A reasonable person would perceive such a police visit—initiated in response to
2 protected political speech—as an attempt to intimidate or deter further expression.

3 80. Plaintiff’s video of the encounter went viral on social media and earned criticisms
4 from the American public, including First Amendment advocacy groups such as the
5 Foundation for Individual Rights and Expression (FIRE).²
6

7 81. As a result of Defendants’ Meiner’s, Jones’s, Carpenter’s, and John Does’s
8 response to Plaintiff’s Facebook post (to avoid another police visit or worse consequences),
9 Plaintiff has refrained from engaging in protected speech on multiple occasions, including
10 criticism of political officials, their policies, and the State of Israel.
11

12 82. For example, Plaintiff has abstained numerous times from responding to certain
13 Miami Beach Commissioners’ social media posts to point out their hypocrisy in expressing
14 zero tolerance for anti-LGBTQ hate, while allowing anti-Palestinian rhetoric to flourish; and
15 has remained silent regarding recent proposed Florida legislation that would label certain
16 protestors as domestic terrorists.
17

18 83. Had the police not visited her home, she would have responded to these posts and
19 criticized the policies in question.

20 84. On March 13, 2026, Plaintiff wanted to share a reel on Facebook the rape of a
21 Palestinian prisoner and the fact that Israel had just cleared the accused of all charges. The post
22 that Plaintiff wanted to share made a reference to a statement by an Israeli philosopher
23 comparing the current Israeli regime to the Nazis. Plaintiff decided not to post after all, because
24
25
26

27 ² The video itself may be viewed at multiple online locations. *See, e.g.,* The Independent, *Police*
28 *in Miami Beach, Florida, turned up at home of Raquel Pacheco to question her about a Facebook*
post, FACEBOOK (Jan. 20, 2026), <https://tinyurl.com/ytm7u86a> (last visited Mar. 20, 2026).

1 she was frightened Defendants would become irrationally incensed, which based on this prior
2 experience, she reasonably believed could result in her arrest.

3 85. In sum, fearing punishment and retaliation from Defendants, Plaintiff has
4 involuntarily suppressed and continues to suppress her constitutionally protected speech.

5 86. Moreover, she has suffered and continues to suffer from reputational harm, fear,
6 humiliation, and distress as a result of police officers showing up at her home to confront her
7 about her constitutionally protected speech and order her not to post such content again. *See*
8 *Georgia v. Randolph*, 547 U.S. 103, 115 (2006) (“we hold to the ‘centuries-old principle of
9 respect for the privacy of the home[]’ and ‘it is beyond dispute that the home is entitled to
10 special protection as the center of the private lives of our people.’”) (quoting *Wilson v. Layne*,
11 526 U.S. 603, 610 (1999) and *Minnesota v. Carter*, 525 U.S. 83, 99 (1998) (Kennedy, J.,
12 concurring), respectively).

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16 **C. THE FEBRUARY 5, 2026, COMMISSION MEETING**

17 87. On February 5, 2026, the City of Miami Beach held its first regularly scheduled
18 commission meeting. Plaintiff was present, and Defendants John Does’ visit to her home was
19 a subject of discussion.

20 88. At the beginning, Defendant Meiner reduced public comment time from the usual
21 two minutes to a mere sixty seconds per person.

22 89. During the public comment period, one speaker suggested that Plaintiff’s Facebook
23 post could incite violence and praised the Commission and the Miami Beach Police
24 Department for sending officers to her home. *Feb. 05, 2026 Commission Meeting*, Official
25 Website of the City of Miami Beach, (Feb. 5, 2026 at 20:40), <https://tinyurl.com/mu6wnr55>
26 (last visited Mar. 19, 2026).
27
28

1 90. Another speaker, who identified himself as Israeli-American, addressed Plaintiff
2 directly and accused her of defending Hamas. The speaker also deplored the alleged treatment
3 of women in Gaza and asserted that this was “the community that [Plaintiff] is defending.” *Id.*
4 at 29:30.

5 91. Despite Defendant Meiner’s reduction of time for public comment, both of these
6 individuals were permitted to speak uninterrupted for two minutes.

7 92. Those who spoke in support of Plaintiff or Palestine, however, were only allotted
8 sixty seconds to speak.

9 93. Immediately following the public comment period, Defendants devoted
10 approximately thirty-two minutes to discussing Plaintiff and her Facebook post.

11 94. Defendant Suarez began by delivering a speech and presentation focused on
12 Plaintiff in which he asserted that she “hate(s) Jews.” *Id.* at 52:08.

13 95. He then displayed slides depicting screenshots of Plaintiff’s Facebook posts,
14 juxtaposed with social media posts of Nick Fuentes, who is generally considered to be a White
15 Supremacist, with the obvious implication that Plaintiff’s worldview is akin to Mr. Fuentes’s.
16 This was despite the fact that Plaintiff’s displayed posts criticized only the State of Israel, and
17 did not reference Jews or Judaism—in contrast to those of Mr. Fuentes.
18

19 96. Defendant Suarez also shared a compilation video that highlighted local attacks, as
20 well as non-local attacks, against Jewish people.

21 97. Notably, the video did not include an incident that occurred the previous year in
22 which a Miami Beach man fired seventeen shots at a Jewish father and son in their car because
23 the assailant mistakenly believed they were Palestinian. Theo Karantsalis, *Miami Beach Man*
24
25
26
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1 *Charged in Shooting of Israeli Tourists Thought Victims Were Palestinian*, Miami Herald (Feb.
2 18, 2025), <https://tinyurl.com/4p88rbbz> (last visited Mar. 19, 2026).

3 98. Following the presentation, Defendants Suarez and Meiner questioned Defendant
4 Jones regarding Plaintiff's Facebook post. *Feb. 05, 2026 Commission Meeting*, Official
5 Website of the City of Miami Beach, (Feb. 5, 2026 at 59:47), <https://tinyurl.com/mu6wnr55>
6 (last visited Mar. 19, 2026).

7
8 99. Defendant Jones strongly and unequivocally defended the decision to send Miami
9 Beach Police officers to Plaintiff's home.

10 100. Defendant Bhatt also shared her support for Defendants John Does' actions and
11 suggested that individuals confronted by police in similar situations should quickly answer
12 officer's questions. *Id.* at 1:17:03.

13
14 101. Defendants Jones and Meiner echoed these defenses in the media. Defendant Jones
15 stated that:

16 given the real, ongoing national and international concerns
17 surrounding antisemitic attacks and recent rhetoric that has led to
18 violence against political figures, I directed two of my detectives to
19 initiate a brief, voluntary conversation regarding certain
20 inflammatory, potentially inciteful false remarks made by a resident
to ensure there was no immediate threat to the elected official or the
broader community that might emerge as a result of the post.

21 *See* Charlotte Hazard, *Florida police defends sending detectives to woman's house over FB*
22 *post critical of mayor*, KOMO NEWS (Jan. 20, 2026), <https://tinyurl.com/ktuhd7f8> (last visited
23 Mar. 15, 2026).

24
25 102. Defendant Meiner, while denying he had ordered the officers' visit, maintained that
26 it was appropriate as Plaintiff's post was "literally antisemitism 101" because it claimed "that
27 Jews are trying to commit violence, so basically what's inferred is you need to commit violence
28

1 against Jews.” Aaron Leibowitz, *‘Antisemitism 101’: Miami Beach mayor defends sending*
2 *Facebook post to police*, MIAMI HERALD (Feb. 5, 2026), <https://tinyurl.com/4znc5ct4> (last
3 visited Mar. 15, 2026).

4 103. Defendant Meiner was or should have been aware that Plaintiff never used the
5 word Jews or Judaism in her post, but continued to misrepresent her words so as to depict her
6 as anti-Semitic.

7
8 104. On February 25, 2026—twenty days after Defendant Jones defended the police visit
9 to Plaintiff’s home—the City Commission changed its rules to allow him to remain in his
10 position as Police Chief for an additional two years. Aaron Leibowitz, *Miami Beach police*
11 *chief is due to retire. City Commission wants him to stay*, MIAMI HERALD (February 26, 2026,
12 5:25 PM), <https://tinyurl.com/3rhyn4tv> (last visited Mar. 19, 2026).

13
14 105. And this change to the rules, for the purpose of allowing Defendant Jones to
15 continue to serve as Miami Beach’s Chief of Police, was made despite the fact that the City
16 Commission either was or should have been aware that he had written inappropriate, sexist
17 emails that were the subject of controversy. *See* Aaron Leibowitz, *Inappropriate past emails*
18 *from top Miami Beach cops surfaced ahead of vote on chief*, THE MIAMI HERALD (Mar. 16,
19 2026), <https://www.pressreader.com/usa/miami-herald/20260316/281595247045343> (last
20 visited Mar. 19, 2026).

21
22 106. Upon information and belief, Defendant Jones’ salary was \$292, 910 when last
23 publicly reported in 2024. The exception the City Commission made for Defendant Jones was
24 thus worth approximately \$600,000 to him since it permits him to collect both his salary and
25 his retirement benefits for an additional two years.
26
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28

1 **D. BLOCKING FROM SOCIAL MEDIA**

2 107. Defendants Bhatt and Suarez operate and/or control individual Facebook accounts
3 that they hold out as official channels for communicating with the public in their capacities as
4 Miami Beach City Commissioners.
5

6 108. Defendant Bhatt’s Facebook account is titled, “Commissioner Tanya Katzoff
7 Bhatt,” identifies her as a “Miami Beach City Commissioner,” is designated a “Politician”
8 page, links to her official Miami Beach Commissioner webpage, and is fully visible to the
9 (unblocked) public.
10


11 109. Defendant Suarez’s Facebook account is titled, “David Suarez Miami Beach City
12 Commissioner Group 5,” is designated as a “Politician” page, and is similarly fully visible to
13 the (unblocked) public.
14

15 110. Defendant Meiner's Facebook account is titled, “Steven Meiner Miami Beach
16 Mayor,” is designated as a “Government Official” page, and is also fully visible to the
17 (unblocked) public.
18

19 111. Defendants Bhatt and Suarez all use their Official Accounts to communicate
20 legislative activity, governmental services, constituent issues, and official events by
21 announcing positions and actions and engaging the public about governmental affairs.

22 112. For example, on January 20, 2026, Defendant Suarez posted a picture of the Byron
23 Carlyle Theater, encouraging Miami Beach residents to join him in a Town Hall with the
24 following message:
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 **David Suarez Miami Beach City Commissioner Group 5**
January 20 · 🌐

The future of the Byron Carlyle Theater is at an important crossroads, and I want to hear directly from you.

Join me for a Byron Carlyle Town Hall on Tuesday, January 27 at 7:00 PM, either in person at the Miami Beach Bandshell (7275 Collins Ave) or via Zoom (tinyurl.com/ByronCarlyle).


This is a City-owned property funded by public dollars, and major decisions are being discussed, including renovation versus demolition, the role of a cultural center, potential housing, costs, traffic impacts, and long-term operations.

A previous resident survey showed strong support for preservation and a cultural cinema/theater, while adding housing was not popular and was not presented to voters during the Arts & Culture G.O. Bond.

Your input should guide what happens next, not development pressure or special interests.

- 📍 Miami Beach Bandshell
- 📅 Tuesday, January 27
- 🕒 7:00 PM
- 🖥️ Zoom: tinyurl.com/ByronCarlyle

Please attend, ask questions, and make your voice heard.



David Suarez Miami Beach City Commissioner Group 5
Politician

[WhatsApp](#)

225 122 27

113. Similarly, on January 20, 2026, Defendant Bhatt posted an “info-dense video” of herself discussing the Byron Carlyle redevelopment project with three experts to ensure that Miami Beach residents had access to “accurate information” on the subject. She included a link to notes from a recent Sunshine Meeting on the topic and her own contact information, encouraging people to reach out to her with any questions regarding the project.

1 because of its message, ideas, subject matter, or viewpoint. *See Ashcroft v. ACLU*, 535 U.S.
2 564, 573 (2002) (“the First Amendment means that government has no power to restrict
3 expression because of its message, its ideas, its subject matter, or its content.”) (quoting
4 *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60, 65 (1983)). *See also N.Y. Times Co. v.*
5 *Sullivan*, 376 U.S. 254, 270 (1964) (recognizing “a profound national commitment to the
6 principle that debate on public issues should be uninhibited, robust, and wide-open[.]”);
7 *Searcey v. Harris*, 888 F.2d 1314, 1324 (11th Cir. 1989) (“The prohibition against viewpoint
8 discrimination is firmly embedded in first amendment analysis.”).

9
10 121. The Supreme Court has repeatedly held that viewpoint discrimination is an
11 “egregious form of content discrimination” and “presumptively unconstitutional.” *Matal v.*
12 *Tam*, 582 U.S. 218, 248 (2017) (quoting *Rosenberger v. Rector & Visitors of the Univ. of Va.*,
13 515 U.S. 819, 829-830 (1995)). *See Keeton v. Anderson-Wiley*, 664 F.3d 865, 872 (11th Cir.
14 2011) (quoting *Rosenberger* to stand for the proposition that “[d]iscrimination against speech
15 because of its message is presumed to be unconstitutional”).
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17
18 122. The Supreme Court also recognizes that political speech is entitled to the
19 highest degree of protection under the U.S. Constitution. *See McIntyre v. Ohio Elections*
20 *Comm’n*, 514 U.S. 334, 347 (1995) (explaining that advocating a politically controversial
21 viewpoint is “the essence of First Amendment expression.”).

22
23 123. “The First Amendment ‘was fashioned to assure unfettered interchange of
24 ideas for the bringing about of political and social changes desired by the people[.]’” *Sullivan*,
25 376 U.S. at 269 ((quoting *Roth v. United States*, 354 U.S. 476, 484 (1957)). *See R. A. V. v. St.*
26 *Paul*, 505 U.S. 377, 422 (1992) (Stevens, J., concurring in judgment) (“Our First Amendment
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1 decisions have created a rough hierarchy in the constitutional protection of speech” in which
2 “[c]ore political speech occupies the highest, most protected position[.]”).

3 124. Government officials violate the First Amendment when they employ
4 threats, intimidation, or other forms of informal coercion to suppress disfavored speech. *See*
5 *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67–68 (1963) (recognizing that individuals “do
6 not lightly disregard public officers’ thinly veiled threats to institute criminal proceedings
7 against them if they do not come around[.]”). *See also NRA of Am. v. Vullo*, 602 U.S. 175, 198
8 (2024) (“The First Amendment prohibits government officials from wielding their power
9 selectively to punish or suppress speech[.]”); *id.* at 188 (A government official cannot “use the
10 power of the State to punish or suppress disfavored expression.”).

11
12
13 125. Plaintiff’s speech at issue here—criticizing a local government official (the
14 mayor) and his attitude towards the Palestinian people and LGBTQ community—constituted
15 core political speech entitled to the highest level of protection under the First Amendment.

16 126. Defendants targeted Plaintiff for the expression of this viewpoint. At least
17 some Defendants sent Defendants John Does, police detectives, to her house to interrogate her
18 about her post, and to instruct her to “refrain from posting” such content.

19
20 127. Police confronting a private citizen at her home, telling her that her social
21 media post is “concerning,” could incite violence, and instructing her not to post such content
22 in the future would chill a person of ordinary firmness from engaging in protected political
23 speech in the future. *See Bennett v. Hendrix*, 423 F.3d 1247, 1250 (11th Cir. 2005); *White v.*
24 *Lee*, 227 F.3d 1214 (9th Cir. 2000) (explaining that government officials violate the First
25 Amendment when their acts would chill or silence a person of ordinary firmness from future
26 First Amendment activities and rejecting a subjective inquiry).

1 128. That is especially so against the backdrop of Defendants’ repeated use of
2 their public offices to silence speech critical of Israel and supportive of Palestinians, and
3 characterizing such speech as “hate” speech, akin to Nazism, and potentially unlawful.

4 129. Furthermore, and although she need not establish as much, this viewpoint-
5 discriminatory action had its intended chilling effect: Plaintiff has abstained from posting
6 content that she otherwise would have, because she is afraid of being targeted for a police
7 investigation, arrested, or otherwise punished by Defendants.

8 130. Accordingly, Defendants’ action at issue here violated Plaintiff’s First
9 Amendment rights.
10

11
12 **COUNT II: UNLAWFUL RETALIATION IN VIOLATION OF THE FIRST AMENDMENT**
13 **(DEFENDANTS CITY OF MIAMI BEACH, MEINER, JONES, CARPENTER, AND JOHN DOES)**
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15 131. Plaintiff realleges the facts set forth in Paragraphs 26-106 and law set forth in
16 Paragraphs 120-24, and incorporates those facts into this Count by reference.

17 132. It is well-established that government actions that alone do not violate the
18 Constitution may nonetheless be constitutional torts if motivated in substantial part by a desire
19 to punish an individual for exercise of a constitutional right. *Thaddeus-X v. Blatter*, 175 F.3d
20 378, 386 (6th Cir. 1999) (citing *Crawford-El v. Britton*, 523 U.S. 574 (1998)).

21 133. The essence of such a claim is that the plaintiff engaged in constitutionally or
22 statutorily protected conduct, the defendant took adverse action against the plaintiff, and this
23 adverse action was taken at least in part because of the protected conduct. *Thaddeus-X*, 175
24 F.3d at 386-87. *See also Bennett*, 423 F.3d at 1250 (retaliatory conduct that would deter a
25 similarly situated individual of ordinary firmness from exercising his or her constitutional
26 rights constitutes an adverse action).
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1 134. Here, Plaintiff engaged in constitutionally protected conduct: public airing of a
2 viewpoint about a controversial political issue and criticism of the City’s mayor. *See New York*
3 *Times Co. v. United States*, 403 U.S. 713, 723-24 (1971) (“the dominant purpose of the First
4 Amendment was to prohibit the widespread practice of governmental suppression of
5 embarrassing information”).

6 135. Defendants and their agents took adverse action against her, including but not
7 limited to sending Miami Beach police detectives to Plaintiff’s residence, interrogating her
8 about the post, insinuating that her speech could cause violence for which she could be held
9 responsible, and ordering her to “refrain” from posting such things in the future. *See Okwedy*
10 *v. Molinari*, 333 F.3d 339 (2d Cir. 342 (2003) (“oral or written statements made by public
11 officials” may give rise to a First Amendment claim where they “can reasonably be interpreted
12 as intimating that some form of punishment or adverse regulatory action will follow the failure
13 to accede to the official’s request.”). *See also Bennis v. Gable*, 823 F.2d 723, 731 (3d Cir.
14 1987) (“the constitutional violation is not in the harshness of the sanction applied, but in the
15 imposition of any disciplinary action or the exercise of permissible free speech.”).

16 136. As discussed, Defendants’ unconstitutional acts would chill the protected speech of
17 a person of ordinary firmness, and they did chill Plaintiff’s speech. Due to Defendants’
18 unlawful conduct, Plaintiff has refrained from engaging in protected speech, including, but not
19 limited to, her criticism of Israel and political figures’ views on Israel and Palestine.

20 137. Plaintiff has suffered and continues to suffer from fear and distress (in addition to
21 the chilling of her speech), as a result of officers summoning her from within the sanctity of
22 her own home to interrogate her about her constitutionally protected speech and order her not
23 to continue to exercise her rights, enshrined in the First Amendment of the U.S. Constitution.
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1 138. For the abovementioned reasons, Defendants violated Plaintiff’s First Amendment
2 rights.

3 **COUNT III: UNLAWFUL PRIOR RESTRAINT IN VIOLATION OF THE FIRST AMENDMENT**
4 **(DEFENDANTS CITY OF MIAMI BEACH, MEINER, JONES, CARPENTER, AND JOHN DOES)**

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6 139. Plaintiff realleges the facts set forth in paragraphs 26-106 and law set forth in
7 Paragraphs 120-24, and incorporates those facts into this Count by reference.

8 140. The U.S. Supreme Court has consistently held that prior restraints—defined as
9 government prohibition of speech before it has occurred—are presumptively unconstitutional.
10 *New York Times Co.*, 403 U.S. at 714 (quoting *Organization for a Better Austin v. Keefe*, 402
11 U.S. 415, 419 (1971)) (“any prior restraint on expression comes to this Court with a ‘heavy
12 presumption’ against its constitutional validity.”).

13
14 141. This principle is rooted in the idea that a free society prefers to address abuses of
15 speech after they occur, rather than preemptively censoring expression. *See Southwestern*
16 *Promotions, Ltd. v. Conrad*, 420 U.S. 546, 553, 559 (1975) (“Our distaste for censorship –
17 reflecting the natural distaste of a free people – is deep-written in our law;” “It is always
18 difficult to know in advance what an individual will say, and the line between legitimate and
19 illegitimate speech is often so finely drawn that the risks of freewheeling censorship are
20 formidable.”)

21
22 142. The U.S. Supreme Court has recognized that even informal actions by government
23 officials, including threats or warnings, may violate the First Amendment when they operate
24 to suppress or deter protected speech. *Multimedia Holdings Corp. v. Circuit Court*, 544 U.S.
25 1301, 1306 (2005).
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1 143. The threat or warning “need not be explicit” to violate the First Amendment: the
2 Supreme Court has emphasized that such actions, particularly when undertaken by officials
3 with authority, may dissuade individuals from exercising their First Amendment rights. *See*
4 *Vullo*, 602 U.S. at 193 (“Generally speaking, the greater and more direct the government
5 official’s authority, the less likely a person will feel free to disregard a directive from the
6 official.”); *Bantam Books, Inc.*, 372 U.S. at 68 (law enforcement officers’ “thinly veiled
7 threats” operated as an unlawful prior restraint on speech).
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9 144. Defendants and their agents unlawfully restrained Plaintiff’s protected speech when
10 they sent two Miami Beach police officers with prominently displayed badges to Plaintiff’s
11 house, where they insisted upon speaking with her even after she invoked her right to an
12 attorney before answering any of their questions, interrogated her about the post, insinuated
13 that her speech could cause violence, and instructed Plaintiff to refrain from posting similar
14 content.
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16 145. As discussed, these actions—particularly in the context of the hostile environment
17 Defendants have created in the City of Miami Beach towards anyone who criticizes Israel or
18 advocates for Palestinians—would chill a person of ordinary firmness from engaging in
19 protected political speech, and did and continues to chill Plaintiffs’ speech.
20

21 146. For the abovementioned reasons, Defendants violated Plaintiff’s First Amendment
22 rights.
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24 **COUNT IV: UNLAWFUL VIEWPOINT DISCRIMINATION IN VIOLATION OF THE FIRST**
25 **AMENDMENT (DEFENDANTS BHATT AND SUAREZ)**

26 147. Plaintiff realleges the facts set forth in Paragraphs 1-18, 21, 22, 26-47 and 107-118,
27 and incorporates those facts into this Count by reference.
28

1 148. Defendants Bhatt’s and Suarez’s blocking of Plaintiff violates the First Amendment
2 because it imposes a viewpoint-based restriction on Plaintiff’s right to read and participate in
3 a public forum, right to petition the government for redress of grievances, and right to access
4 official statements.

5 149. Courts have recognized that the interactive component of an official’s social-media
6 page generally constitutes a forum for speech and that banning a critic from that interactive
7 space constitutes unlawful viewpoint discrimination. *See Lindke v. Freed*, 601 U.S. 187, 201-
8 04 (2024).

9 150. Defendants Bhatt and Suarez maintain and control Official Facebook Accounts,
10 including the ones from which Plaintiff has been blocked, as channels for communicating with
11 members of the public regarding official matters and use the interactive features of those
12 accounts as open spaces for public engagement.

13 151. By intentionally opening the Interactive Spaces for public discussion of
14 governmental matters, Defendants Bhatt and Suarez created designated or limited public fora,
15 subject to the constraints of the First Amendment.

16 152. Plaintiff engaged in, or attempted to engage in, protected speech in the Interactive
17 Spaces.

18 153. Defendants Bhatt and Suarez blocked Plaintiff from their Official Accounts.

19 154. These actions exclude Plaintiff from viewing and/or participating in the Interactive
20 Spaces in the manner available to unblocked users, including replying to posts, engaging in
21 threads, and interacting with these two Defendants’ posts and other users in that forum.
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1 such content in the future, constituted unlawful viewpoint discrimination in violation of
2 the First Amendment;

3 B. A declaration that the same conduct constituted unlawful retaliation under the First
4 Amendment;

5 C. A declaration that the same conduct constituted an unlawful prior restraint under
6 the First Amendment;

7
8 D. A declaration that Defendants Bhatt's and Suarez's blocking of Plaintiff from their
9 Official Accounts violates the First Amendment;

10 E. A permanent injunction restraining and enjoining Defendants City of Miami Beach,
11 Meiner, Jones, Carpenter, and John Does, their officers, agents, servants, employees,
12 attorneys, and all persons in active concert or participation with them (*see* Fed. R. Civ. P.
13 65(d)(2)), from sending officers to Plaintiff's home or going to her home to confront her
14 about constitutionally protected speech and instruct her not to engage in constitutionally
15 protected speech in the future;

16
17 F. A permanent injunction restraining and enjoining Defendants Suarez and Bhatt, and
18 their officers, agents, servants, employees, attorneys, and all persons in active concert or
19 participation with them (*see* Fed. R. Civ. P. 65(d)(2)), from continuing to block Plaintiff
20 from their Official Facebook Accounts based on viewpoint, and ordering Defendants to
21 unblock Plaintiff;

22
23 G. An award of compensatory damages in an amount to be determined at trial for the
24 distress, humiliation, and reputational damage that Plaintiff suffered as a result of
25 Defendants' unconstitutional conduct;
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1 H. An award of reasonable attorneys' fees and costs to Plaintiff pursuant to 42
2 U.S.C. § 1988 and all other applicable legal authorities;

3 I. Such other and further relief as the Court deems just and proper.
4

5 March 23, 2026

6 *Respectfully submitted,*

7
8 BENJAMIN, AARONSON, EDINGER &
9 PATANZO, P.A.

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