

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

CHRISTINO RODRIQUEZ,
a/k/a "Nino America,"

Plaintiff,

V.

TERRY JOHNSON, in his individual and official capacity as County Judge of Midland County, Texas,

Defendant.

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Civil Action No. 7:26-cv-284

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND

I. NATURE OF THE ACTION

1. Plaintiff Christino Rodriquez (“Plaintiff” or “Mr. Rodriquez”), also known as “Nino America,” brings this civil rights action against Defendant Terry Johnson (“Johnson” or “Defendant Johnson”), the County Judge of Midland County, Texas, to redress the willful and malicious public disclosure of Plaintiff’s most sensitive personal identifying information—including his full Social Security number, date of birth, and driver’s license number—by the County’s highest executive officer, acting under color of state law and in retaliation for Plaintiff’s constitutionally protected speech and journalism.

2. This action arises under 42 U.S.C. § 1983 for violations of Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution; under the Driver's Privacy Protection Act, 18 U.S.C. §§ 2721–2725; and under the laws of the State of Texas, including the Texas Government Code, the Texas common law of torts, and the doctrine of negligence per se.

3. Defendant Johnson, the County Judge of Midland County and the presiding officer of the Midland County Commissioners Court, used his official access to confidential government records to publicly disclose the private, sensitive identifying information of a citizen who had published truthful, lawfully obtained federal court records critical of Johnson and county government. The disclosure was, on the facts alleged, calculated and retaliatory, and it exposed Plaintiff to a serious and lasting risk of identity theft.

4. Plaintiff seeks compensatory damages, exemplary and punitive damages against Defendant Johnson in his individual capacity, statutory damages, injunctive and declaratory relief, lifetime identity-theft protection, attorney's fees and costs, and all other relief to which he is justly entitled.

II. JURISDICTION AND VENUE

5. This Court has original federal question jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, specifically 42 U.S.C. § 1983 (deprivation of constitutional rights under color of state law) and the Driver's Privacy Protection Act, 18 U.S.C. §§ 2721–2725.

6. This Court has jurisdiction under 28 U.S.C. § 1343(a)(3) and (4) because this action seeks to redress the deprivation, under color of state law, of rights, privileges, and immunities secured by the Constitution of the United States and by Acts of Congress providing for equal rights.

7. This Court has supplemental jurisdiction over Plaintiff's state-law claims under 28 U.S.C. § 1367(a) because those claims are so related to the federal claims that they form part of the same case or controversy, arising from the same nucleus of operative facts.

8. Declaratory relief is authorized under 28 U.S.C. §§ 2201-2202.

9. Venue is proper in the Western District of Texas under 28 U.S.C. § 1391(b)(1) and (2) because Defendant Johnson resides in this judicial district and a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Midland County, Texas, which lies within this District.

10. Divisional venue is proper in the Midland-Odessa Division of this Court because the events giving rise to this action occurred in Midland County, Texas. Plaintiff respectfully notes that assignment to the Midland-Odessa Division is proper and requests that the Clerk assign this case in accordance with the Local Rules of the United States District Court for the Western District of Texas governing divisional assignment.

III. PARTIES

11. Plaintiff Christino Rodriquez is an individual, a resident and citizen of Midland County, Texas, and a citizen of the United States. Plaintiff publishes commentary, journalism, and investigative reporting online under the name "Nino America." Plaintiff is competent to bring this action and has standing to pursue all claims set forth herein.

12. Defendant Terry Johnson ("Johnson") is, and was at all times relevant to this Complaint, the duly elected County Judge of Midland County, Texas. Under Texas law, the County Judge serves as the chief executive and administrative officer of the county and as the presiding member of the Midland County Commissioners Court—the county's governing body and highest policymaking authority. Defendant Johnson is sued in his individual capacity for all claims seeking monetary damages, and in his official capacity solely for prospective declaratory and injunctive relief. Plaintiff does not seek monetary damages against Defendant Johnson in his official capacity and therefore does not premise any claim on a county policy, practice, or custom

under *Monell v. Department of Social Services*, 436 U.S. 658 (1978). At all times relevant hereto, Johnson acted under color of state law within the meaning of 42 U.S.C. § 1983.

13. A Texas County Judge is a county executive and administrative official; the conduct at issue—obtaining a confidential document through executive access and posting it on a personal Facebook account amid the ongoing public controversy concerning Plaintiff’s reporting on Midland County government—was not judicial in nature, not connected to any case or adjudication, and not subject to judicial immunity; it was executive and administrative conduct taken under color of state law and outside the scope of any legitimate judicial function. Characterizing the conduct as non-judicial and as a misuse of executive access establishes only that it is unprotected by judicial immunity and was made possible under color of state law; it does not place the conduct within the general scope of Johnson’s employment for purposes of the Texas Tort Claims Act, because the conduct served no governmental purpose and was purely personal and retaliatory.

IV. FACTUAL ALLEGATIONS

14. Plaintiff Christino Rodriquez is an online commentator and citizen journalist who publishes investigative reporting and political commentary under the name “Nino America.” Plaintiff’s work focuses on government accountability and transparency in Midland County and the surrounding community.

15. On or about July 2026, Plaintiff published legally obtained federal court records concerning two lawsuits filed against Midland County, Texas: one lawsuit that remains pending, and one that resulted in a settlement of approximately \$150,000 paid by Midland County to a former county employee who alleged unlawful retaliation under the supervision of Defendant Johnson.

16. Plaintiff's publication of these federal court records constituted protected speech and petitioning activity under the First Amendment to the United States Constitution. The records were lawfully obtained, truthful, and concerned matters of significant public interest—namely, the expenditure of public funds and the conduct of public officials.

17. On information and belief, less than twenty-four (24) hours after Plaintiff published those court records critical of Johnson and Midland County, Defendant Johnson posted on his personal Facebook page an old arrest warrant containing Plaintiff's full legal name, full Social Security number, date of birth, and driver's license number—uncensored and publicly visible—accompanied by the caption: "Convicted felon trying to be a player."

18. The timing of the disclosure—within approximately a single day of Plaintiff's protected publication—supports a strong inference that it was not coincidental, but rather a deliberate act of political retaliation designed to punish, intimidate, humiliate, and silence Plaintiff for exercising his First Amendment rights by publishing truthful information critical of a government official.

19. Law enforcement agencies and court clerks routinely and as a matter of standard practice redact Social Security numbers from documents released to the public. The arrest warrant posted by Defendant Johnson was unredacted. The unredacted warrant, and in particular the supporting affidavit bearing Plaintiff's full Social Security number, date of birth, and driver's license number, is a record of a type maintained in restricted, non-public county criminal-justice and law-enforcement records systems and case files—access to which is limited by law and policy to authorized government personnel and is not available to members of the public. On information and belief, Defendant Johnson obtained the unredacted warrant by virtue of, and through the misuse of, his official position as County Judge and presiding officer of the Commissioners Court—including the access to county departments, personnel, and records systems that his office

afforded him, whether through his own credentialed access or through county personnel acting at his request or direction—records not available to the general public.

20. Whoever prepared the Facebook post appears to have blacked out Plaintiff's home address and telephone number from the warrant image, yet left Plaintiff's full Social Security number and driver's license number visible. This selective redaction supports a strong inference that the poster was aware the posted information was sensitive and dangerous, and that the decision to leave the Social Security number and driver's license number exposed was intentional rather than inadvertent.

21. The arrest warrant posted by Defendant Johnson stemmed from an incident in 2015. On information and belief, the criminal charges arising from that arrest were subsequently dismissed, and Plaintiff was not convicted of any crime in connection with that arrest or warrant. Defendant Johnson nonetheless publicly characterized Plaintiff as a "convicted felon." As a County Judge, Johnson knew or should have known the legal distinction between an arrest and a conviction, and the characterization was false and damaging to Plaintiff's reputation.

22. Multiple Facebook users and commenters warned Defendant Johnson in real time—while the post remained publicly visible—that posting Plaintiff's full personal identifying information was improper, dangerous, and potentially unlawful. These individuals observed the post live before it was removed. Defendant Johnson disregarded these warnings for a period of time before ultimately deleting the post.

23. Defendant Johnson subsequently deleted the Facebook post. However, the warrant image, the caption, and the selective redaction pattern are preserved in screenshots that have been reviewed by news media outlets and other third parties. The damage from the public exposure of

Plaintiff's Social Security number, date of birth, and driver's license number is permanent and irreversible—once disclosed to the public internet, such information cannot be “un-disclosed.”

24. The timing, context, and circumstances of Defendant Johnson's disclosure—occurring within approximately twenty-four hours of Plaintiff's publication of court records critical of Johnson and Midland County, posted from the personal Facebook account of the county's highest executive officer during the ongoing public controversy concerning Plaintiff's reporting on Midland County government—support a strong inference that the disclosure was retaliatory, intentional, and specifically designed to harm, intimidate, and silence Plaintiff for his constitutionally protected speech, journalism, and criticism of government.

25. Brandon W. Hodges, an elected member of the Midland Independent School District Board of Trustees, publicly called for Defendant Johnson's immediate resignation in connection with this incident. In his written statement dated July 20, 2026, Mr. Hodges stated that Johnson “obtained and publicly released a citizen's sensitive identifying information—including Social Security numbers and dates of birth—from a system under the control of his office,” and characterized the conduct as constituting identity theft, a state jail felony under Texas Penal Code § 32.51. Mr. Hodges further stated that Johnson's conduct “violates the standards expected of an elected official and undermines public confidence in county government.”

26. As a direct and proximate result of Defendant Johnson's actions, Plaintiff's full Social Security number, date of birth, and driver's license number are now permanently and irretrievably exposed to the public and to identity thieves worldwide. Plaintiff faces a lifelong, substantially elevated risk of identity theft, financial fraud, tax fraud, medical identity theft, criminal identity theft, and related harms for the remainder of his natural life. The disclosure has caused and

continues to cause Plaintiff severe emotional distress, anxiety, fear, humiliation, reputational harm, out-of-pocket costs, and the need for perpetual credit monitoring and identity protection services.

27. Defendant Johnson's conduct was not an isolated lapse in judgment. It was the deliberate act of a government official using the access of his office against a private citizen who sought to hold that official accountable through lawful, protected speech. Such conduct strikes at the heart of the First Amendment and the rule of law.

V. STATE ACTION AND COLOR OF LAW

28. Defendant Johnson's challenged conduct constitutes state action and was performed under color of state law within the meaning of 42 U.S.C. § 1983. The critical state action is not merely the choice of social-media platform, but the alleged acquisition and misuse of confidential government records obtained through Johnson's official position and access. The posting on a personal Facebook account was the vehicle for, not the substance of, the state action.

29. **Actual Authority.** As the duly elected County Judge and presiding officer of the Midland County Commissioners Court—the county's governing body, which exercises budgetary and administrative oversight over county departments, including their records and information systems—Defendant Johnson possessed or exercised access, directly or indirectly, to confidential county and/or law-enforcement records not available to the general public, including warrant records and their supporting affidavits. The unredacted arrest warrant containing Plaintiff's Social Security number and driver's license number is a confidential government record that is routinely redacted before release to the public and is not lawfully available to a private citizen. On information and belief, such a record in unredacted form could be obtained only by virtue of a government office such as Johnson's—whether through his own credentialed access or through

county or law-enforcement personnel over whom his office exercises authority or influence—whereas a private citizen could not lawfully or readily have obtained it.

30. Purported Exercise of Authority. Defendant Johnson invoked and traded upon the authority of his official position in the challenged conduct. Specifically, on information and belief, Johnson: (a) obtained the confidential, unredacted warrant—including its supporting affidavit displaying Plaintiff’s Social Security number, date of birth, and driver’s license number—through official access channels available to government officers and not to the public, whether by his own access or through county personnel acting at his request or direction; (b) publicized a citizen’s confidential government-held identifiers—Social Security number, date of birth, and driver’s license number—to retaliate against that citizen for reporting on Johnson’s governance of Midland County; and (c) thereby exercised governmental power against a critic in a manner made possible by, and accomplished through the misuse of, his official position and access. The disclosure constituted an exercise of governmental authority directed at a private citizen.

31. Even though Defendant Johnson posted the confidential information on a personal social-media account, the source, means, and purpose of the disclosure satisfy both the color-of-law requirement of 42 U.S.C. § 1983 and the state-action framework articulated by the Supreme Court in *Lindke v. Freed*, 601 U.S. 187 (2024). Under *Lindke*, a public official’s social-media activity constitutes state action when the official (1) possessed actual authority to speak or act on the State’s behalf, and (2) purported to exercise that authority in the challenged conduct. Plaintiff alleges that both prongs are satisfied here because Johnson possessed actual authority in connection with confidential government records and purported to exercise that authority by accessing, obtaining, and publicly disclosing those records to punish a citizen for criticizing county government. Critically, Plaintiff’s state-action theory rests not on the mere use of a personal

account, but on the alleged acquisition and misuse of nonpublic governmental information that only a government officer could obtain.

32. In the alternative, and pursuant to Federal Rule of Civil Procedure 8(d)(2), even if this Court were to determine that the personal-account posting alone does not constitute state action, Plaintiff pleads that the totality of the challenged conduct—obtaining a confidential government record through official access, using information unavailable to the general public, and disclosing it to retaliate against constitutionally protected criticism of the official’s governance— independently satisfies the color-of-law requirement under any applicable test, including the nexus test, the public-function test, and the state-compulsion test.

VI. CONDITIONS PRECEDENT

33. Plaintiff’s state-law claims—Count IV (Breach of Statutory Duty / Negligence Per Se), Count V (Invasion of Privacy), Count VI (Negligence), and Count VII (Gross Negligence)—are asserted against Defendant Johnson solely in his individual capacity. Section 101.106(f) of the Texas Civil Practice and Remedies Code requires dismissal of an employee only where the challenged conduct was “within the general scope of that employee’s employment.” Plaintiff alleges that Defendant Johnson’s tortious disclosure of Plaintiff’s Social Security number, date of birth, and driver’s license number was not within the general scope of his employment as County Judge: it served no governmental purpose, was not in furtherance of any duty of his office or any business of Midland County, and was undertaken solely to advance Johnson’s personal, vindictive, and retaliatory objectives against a private critic. Although Johnson’s ability to obtain the confidential, unredacted record was made possible by, and accomplished through the misuse of, his official position and access—thereby satisfying the “under color of state law” requirement of 42 U.S.C. § 1983—the color-of-law standard is broader than, and distinct from, the “general scope

of employment” standard under the Texas Tort Claims Act, and the two are not coextensive; conduct may be undertaken under color of law yet fall outside the general scope of employment. To the extent any court were to conclude that the challenged conduct falls within the general scope of employment, Plaintiff pleads in the alternative, pursuant to Fed. R. Civ. P. 8(d)(2) and (3), solely to preserve the individual-capacity election under § 101.106, and without conceding that any Texas Tort Claims Act theory applies, that the conduct was within the scope of employment, or that governmental immunity is waived.

34. All conditions precedent to Plaintiff’s claims have been performed, have occurred, or have been waived or excused, except any that are excused by Defendant’s actual notice or that Plaintiff will satisfy within the time permitted by law.

VII. CLAIMS FOR RELIEF

COUNT I

42 U.S.C. § 1983: FIRST AMENDMENT RETALIATION

(Against Defendant Johnson in His Individual Capacity)

35. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

36. The First Amendment to the United States Constitution, made applicable to state actors through the Fourteenth Amendment, protects the right of every person to engage in free speech, to publish truthful information about government, to petition the government for redress of grievances, and to criticize public officials without fear of governmental retaliation.

37. Plaintiff engaged in constitutionally protected activity by publishing lawfully obtained federal court records concerning litigation against Midland County—truthful information on a

matter of significant public concern. Plaintiff's publication constituted core political speech and press activity entitled to the highest degree of First Amendment protection.

38. In direct retaliation for Plaintiff's protected speech and publication, Defendant Johnson—acting under color of state law—posted Plaintiff's unredacted personal identifying information (full Social Security number, date of birth, and driver's license number) on his personal Facebook page, accompanied by the false and defamatory caption “Convicted felon trying to be a player.” The retaliatory motive is supported by the timing (within approximately 24 hours of Plaintiff's protected publication), Johnson's statements, and the surrounding circumstances.

39. Defendant Johnson's retaliatory act was sufficiently severe to deter a person of ordinary firmness from exercising his First Amendment rights. The intentional public exposure of a person's Social Security number—creating a permanent, irreversible risk of identity theft—is an objectively intolerable consequence that would chill any reasonable person from engaging in further criticism of government.

40. But for Plaintiff's protected publication, Defendant Johnson would not have posted Plaintiff's personal identifying information; the close temporal proximity (within approximately 24 hours), the accusatory caption, and the alleged use of official record access support a direct causal connection between the protected activity and the retaliatory act.

41. Defendant Johnson's retaliatory conduct violated Plaintiff's clearly established rights under the First Amendment. It is well established in the Fifth Circuit and beyond that a government official may not retaliate against a private citizen for exercising protected speech by taking adverse action designed to chill or punish that speech.

42. As set forth in the State Action and Color of Law section above, Defendant Johnson acted under color of state law in committing the retaliatory disclosure. On information and belief,

Johnson obtained the confidential government record through his official access as County Judge and used it against Plaintiff for Plaintiff's reporting on county government—conduct that satisfies both prongs of the state-action framework under *Lindke v. Freed*, 601 U.S. 187 (2024), and the color-of-law requirement of 42 U.S.C. § 1983.

43. As a direct and proximate result of Defendant Johnson's First Amendment retaliation, Plaintiff has suffered and continues to suffer damages including, but not limited to: severe emotional distress, anxiety, and fear; the chilling of his constitutionally protected speech and journalism; permanent exposure of his identity information; out-of-pocket costs for identity monitoring; reputational harm; and the loss of his sense of personal security. Plaintiff is entitled to recover compensatory damages and exemplary and punitive damages from Defendant Johnson in his individual capacity, as well as attorney's fees and costs under 42 U.S.C. § 1988.

COUNT II

42 U.S.C. § 1983: FOURTEENTH AMENDMENT SUBSTANTIVE DUE PROCESS —

INFORMATIONAL PRIVACY

(Against Defendant Johnson in His Individual Capacity)

44. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

45. The Fourteenth Amendment to the United States Constitution protects an individual's right to informational privacy—the right to control the dissemination of one's personal identifying information, particularly highly sensitive information such as a Social Security number. This right is recognized in the Fifth Circuit and encompasses freedom from the unwarranted governmental disclosure of personal matters.

46. Plaintiff had a constitutionally protected privacy interest in his Social Security number, date of birth, and driver's license number. These categories of information are among the most sensitive forms of personally identifiable information in American society, and their disclosure creates immediate, severe, and permanent risk of identity theft and financial harm.

47. Defendant Johnson, acting under color of state law and exploiting his official access to confidential government records, intentionally disclosed Plaintiff's protected personal information to the public by posting it on Facebook without any legitimate governmental purpose, without Plaintiff's consent, and without any lawful justification.

48. Defendant Johnson's disclosure was not narrowly tailored to serve any compelling, substantial, or even legitimate government interest. It served no governmental interest of any kind—it was a purely personal, vindictive, and retaliatory act motivated by Johnson's desire to punish a political critic.

49. The right to informational privacy, as applied to the facts of this case, was clearly established at the time of Defendant Johnson's conduct. The United States Supreme Court recognized the constitutional right to informational privacy—the individual interest in avoiding disclosure of personal matters—in *Whalen v. Roe*, 429 U.S. 589 (1977), and reaffirmed its vitality in *NASA v. Nelson*, 562 U.S. 134 (2011). The Fifth Circuit adopted the *Whalen* framework in *Plante v. Gonzalez*, 575 F.2d 1119 (5th Cir. 1978), holding that a government intrusion into informational privacy is assessed by 'comparing the interests it serves with those it hinders,' and that 'more than mere rationality must be demonstrated' to justify the intrusion. Under that balancing test, Defendant Johnson's public disclosure of Plaintiff's complete Social Security number, date of birth, and driver's license number served no legitimate governmental interest, and the balance weighs in Plaintiff's favor.

50. Because the constitutional right to informational privacy was recognized in *Whalen v. Roe* (1977) and adopted as binding precedent in this Circuit in *Plante v. Gonzalez* (1978), Plaintiff alleges the right was clearly established before Defendant Johnson's conduct in July 2026, and that no reasonable official in his position could have believed that publicly disclosing Plaintiff's complete Social Security number, date of birth, and driver's license number—for no legitimate governmental purpose and in retaliation for Plaintiff's protected speech—was lawful. Defendant Johnson is therefore not entitled to qualified immunity.

51. As set forth in the State Action and Color of Law section above, Defendant Johnson acted under color of state law in disclosing Plaintiff's confidential personal information. Johnson's alleged acquisition of the unredacted record through official channels and his retaliatory disclosure of government-held identifiers satisfy the *Lindke v. Freed* framework for state action, regardless of the platform on which the disclosure occurred.

52. As a direct and proximate result of Defendant Johnson's violation of Plaintiff's constitutional right to informational privacy, Plaintiff has suffered and continues to suffer the damages described herein, including permanent exposure of his most sensitive identifying information, severe emotional distress, and ongoing risk of identity theft. Plaintiff is entitled to recover compensatory damages and exemplary and punitive damages from Defendant Johnson in his individual capacity, as well as attorney's fees and costs under 42 U.S.C. § 1988.

COUNT III

DRIVER'S PRIVACY PROTECTION ACT, 18 U.S.C. §§ 2721–2725

(Against Defendant Johnson in His Individual Capacity)

53. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

54. The Driver's Privacy Protection Act ("DPPA"), 18 U.S.C. §§ 2721–2725, prohibits the knowing disclosure of "personal information," as defined in 18 U.S.C. § 2725(3), obtained by any State department of motor vehicles in connection with a motor vehicle record, for a purpose not permitted under 18 U.S.C. § 2721(b). "Personal information" under the DPPA includes an individual's driver identification number (driver's license number), name, address, and similar identifiers when derived from a motor vehicle record.

55. Plaintiff's driver's license number is personal information protected by the DPPA. On information and belief, the driver's license number displayed in the posted warrant image originated from and is traceable to Plaintiff's Texas driver-license record maintained by the Texas Department of Public Safety, because a Texas arrest warrant and its supporting affidavit are populated with driver's license information drawn from Department of Public Safety driver-license and motor-vehicle records, including through integrated law-enforcement query systems that retrieve such data from those records. The driver's license number was therefore obtained from a motor vehicle record within the meaning of 18 U.S.C. § 2725. Plaintiff pleads this count in the alternative pending discovery confirming the precise originating record system.

56. Defendant Johnson knowingly obtained and/or disclosed Plaintiff's driver's license number and related personal information to the public by posting it—in an unredacted arrest warrant image—on a publicly viewable social media page accessible to any person with an internet connection. Johnson's disclosure was made for a purpose not permitted under 18 U.S.C. § 2721(b). Johnson's purpose was impermissible: personal retaliation against a citizen journalist for publishing truthful, lawfully obtained court records critical of Johnson and county government.

57. None of the permissible uses enumerated in 18 U.S.C. § 2721(b)(1)–(14) authorized Defendant Johnson's disclosure. The disclosure was not made in connection with any motor

vehicle or driver safety purpose, any law-enforcement function, any court proceeding, any insurance activity, any legitimate governmental function, or any other purpose recognized by the statute.

58. 18 U.S.C. § 2724 provides a private cause of action against any person who knowingly obtains, discloses, or uses personal information from a motor vehicle record for a purpose not permitted under the DPPA. Remedies under § 2724 include: (a) actual damages, but not less than liquidated damages in the amount of \$2,500; (b) punitive damages upon proof of willful or reckless disregard of the law; (c) reasonable attorneys' fees and other litigation costs reasonably incurred; and (d) such other preliminary and equitable relief as the court determines to be appropriate.

59. Defendant Johnson acted knowingly and with willful and reckless disregard of the law. The selective redaction of Plaintiff's home address while leaving the driver's license number exposed supports an inference that Johnson was aware of the sensitive nature of the information and made a conscious decision to disclose it publicly. Plaintiff is entitled to recover from Defendant Johnson, in his individual capacity, liquidated damages of not less than \$2,500 under 18 U.S.C. § 2724(b)(1), actual damages in excess thereof, punitive damages under 18 U.S.C. § 2724(b)(2), and reasonable attorney's fees and costs under 18 U.S.C. § 2724(b)(3).

COUNT IV

BREACH OF STATUTORY DUTY / NEGLIGENCE PER SE: TEX. GOV'T CODE § 552.147

(Against Defendant Johnson in His Individual Capacity)

60. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

61. Texas Government Code § 552.147 identifies Social Security numbers maintained by a governmental body as confidential and excepted from public disclosure, and supplies, at minimum, a legislative standard relevant to the duty of care governing the handling and nondisclosure of such information by officers and employees with access to it.

62. Defendant Johnson, as County Judge and the chief executive officer of Midland County, occupied a position of trust with respect to confidential information maintained by or accessible through the county government. By virtue of his official position, Johnson owed a duty to Plaintiff to refrain from publicly disclosing Social Security numbers consistent with the confidentiality standard reflected in Section 552.147.

63. Defendant Johnson breached that duty by intentionally, knowingly, and publicly disclosing Plaintiff's complete Social Security number on a social media platform accessible to the general public, without authorization, without lawful justification, and without Plaintiff's consent.

64. Section 552.147 supplies an applicable standard of care and identifies a protected class—individuals whose Social Security numbers are maintained by governmental bodies—such that the public disclosure of a complete Social Security number by a government official with access to such information may constitute negligence per se, because the harm (identity-theft risk and related damages) is the type the statute was enacted to prevent.

65. As a direct and proximate result of Defendant Johnson's breach of duty, Plaintiff has suffered damages including permanent exposure of his Social Security number, substantially elevated identity-theft risk, out-of-pocket expenses, severe emotional distress, and the need for perpetual identity monitoring. Plaintiff is entitled to recover compensatory and actual damages,

and exemplary damages to the extent supported, from Defendant Johnson in his individual capacity.

COUNT V

INVASION OF PRIVACY: PUBLIC DISCLOSURE OF PRIVATE FACTS

(Against Defendant Johnson in His Individual Capacity)

66. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

67. Under Texas common law, an action for invasion of privacy lies when a defendant gives publicity to a matter concerning the private life of another, and the matter publicized is of a kind that (a) would be highly offensive to a reasonable person, and (b) is not of legitimate concern to the public.

68. Defendant Johnson gave publicity to Plaintiff's private facts by posting Plaintiff's full Social Security number, date of birth, and driver's license number on his personal Facebook page, which was accessible to the public. This constituted a public communication to a large and indeterminate audience.

69. The information disclosed—Plaintiff's complete Social Security number, date of birth, and driver's license number—constitutes quintessentially private information that is not a matter of legitimate public concern. A person's Social Security number is among the most sensitive pieces of identifying information in American life, serving as a master key to one's financial identity, credit, tax records, and governmental benefits.

70. The public disclosure of Plaintiff's Social Security number, date of birth, and driver's license number in combination would be highly offensive to a reasonable person. No reasonable

person would expect a government official to broadcast such information publicly, and no legitimate purpose is served by such disclosure.

71. As a direct and proximate result of Defendant Johnson's invasion of Plaintiff's privacy, Plaintiff has suffered damages including severe emotional distress, humiliation, reputational harm, permanent exposure to identity-theft risk, and out-of-pocket costs for identity protection. Plaintiff is entitled to recover compensatory and actual damages from Defendant Johnson, and exemplary and punitive damages against Defendant Johnson in his individual capacity.

COUNT VI

NEGLIGENCE

(Against Defendant Johnson in His Individual Capacity)

72. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

A. Negligence Per Se — Breach of Statutory Duties Under Texas Government Code §§ 552.147 and 552.352

73. Defendant Johnson owed Plaintiff a duty of care arising from: (a) his official position with entrusted access to confidential personal information in Midland County systems; (b) Texas Government Code § 552.147's confidentiality standard for Social Security numbers maintained by a governmental body; (c) Texas Government Code § 552.352's prohibition against distributing information deemed confidential under the Public Information Act; and (d) the common-law duty to avoid creating unreasonable risks of foreseeable harm.

74. Because § 552.147 designates Social Security numbers as confidential and § 552.352 prohibits their distribution, these statutes inform the applicable standard of care, identify the

protected class, and define the category of harm the Legislature intended to prevent with respect to government handling of Social Security numbers.

75. Defendant Johnson breached these duties by publicly posting Plaintiff's complete Social Security number and related identifiers on social media without authorization or lawful justification, conduct that a reasonable official exercising ordinary care would not undertake.

76. Defendant Johnson's violation of the standards reflected in §§ 552.147 and 552.352 may constitute negligence per se because Plaintiff belongs to the class these statutes protect and the harms he suffered—including identity-theft risk, emotional distress, and economic losses—are the precise harms those statutes were intended to prevent.

B. Common-Law Negligence Pleaded in the Alternative

77. In the alternative, and pursuant to Federal Rule of Civil Procedure 8(d)(2) and (3), Plaintiff pleads that even if Defendant Johnson's conduct does not constitute negligence per se, it constitutes ordinary negligence under a general duty-of-care analysis: a reasonable government official in Johnson's position, exercising ordinary prudence, would have known that publicly posting a citizen's Social Security number, date of birth, and driver's license number on social media would create an unreasonable and foreseeable risk of identity theft and related harm, and would have refrained from such conduct. Plaintiff is entitled to recover under either theory.

78. As a direct and proximate result of Defendant Johnson's negligence, Plaintiff has suffered damages including permanent exposure of his Social Security number, substantially elevated identity-theft risk, out-of-pocket expenses for credit monitoring and identity protection, severe emotional distress, loss of privacy, and related economic and non-economic damages. Plaintiff is entitled to recover compensatory and actual damages, and exemplary damages to the extent supported, from Defendant Johnson in his individual capacity.

COUNT VII

GROSS NEGLIGENCE

(Against Defendant Johnson in His Individual Capacity)

79. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

80. Defendant Johnson's conduct, as described herein, constitutes gross negligence under Texas law. "Gross negligence" means an act or omission: (a) which when viewed objectively from the standpoint of the actor at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and (b) of which the actor has actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others. Tex. Civ. Prac. & Rem. Code § 41.001(11).

81. Defendant Johnson's act of publicly posting Plaintiff's Social Security number, date of birth, and driver's license number on a social media platform accessible to the public involved an extreme degree of risk. The posting of a person's Social Security number on the public internet creates a severe probability of identity theft, financial fraud, and lasting personal harm—a probability so great and the magnitude of harm so severe that a reasonable person would recognize the act as creating an extreme degree of risk to the victim.

82. Defendant Johnson had actual, subjective awareness of the risk. The selective redaction of Plaintiff's home address and telephone number from the posted warrant image—while leaving the Social Security number and driver's license number exposed—supports an inference that Johnson was subjectively aware that the posted information was dangerous and sensitive. Johnson proceeded with conscious indifference to Plaintiff's rights, safety, and welfare.

83. In the alternative, and pursuant to Federal Rule of Civil Procedure 8(d)(2) and (3), to the extent this Court determines that Defendant Johnson's conduct does not rise to the level of gross negligence as defined by statute, Plaintiff pleads in the alternative that such conduct constitutes ordinary negligence as set forth in Count VI, and Plaintiff is entitled to recover under either or both theories.

84. As a direct and proximate result of Defendant Johnson's gross negligence, Plaintiff has suffered the damages described herein. Plaintiff is entitled to recover compensatory and actual damages, and exemplary (punitive) damages from Defendant Johnson in his individual capacity under Texas Civil Practice and Remedies Code § 41.003.

VIII. DAMAGES

85. As a direct and proximate result of Defendant Johnson's wrongful conduct as described herein, Plaintiff has suffered and continues to suffer the following categories of damages:

- (a) Compensatory damages for severe emotional distress, mental anguish, anxiety, fear, humiliation, and loss of personal security;
- (b) Compensatory damages for past and future out-of-pocket expenses for credit monitoring services, identity-theft protection services, credit freezes, and identity remediation;
- (c) Compensatory damages for the permanent and irreversible exposure of Plaintiff's Social Security number, date of birth, and driver's license number, and the resulting lifelong elevation of identity-theft risk;
- (d) Compensatory damages for the chilling effect on Plaintiff's exercise of his First Amendment rights, including harm to his journalism and public commentary;
- (e) Compensatory damages for reputational harm;

- (f) Compensatory damages for loss of privacy, dignitary harm, and stigmatic injury;
- (g) Exemplary and punitive damages against Defendant Johnson in his individual capacity only, in an amount sufficient to punish Johnson for his willful, wanton, and intentional misconduct and to deter similar conduct by other government officials (Counts I, II, III, IV, VI, and VII);
- (h) Liquidated damages of not less than \$2,500 under 18 U.S.C. § 2724(b)(1) (DPPA);
- (i) Statutory damages as authorized by applicable law;
- (j) The costs of lifetime identity-theft protection and monitoring services;
- (k) Attorney's fees and costs of suit under 42 U.S.C. § 1988, 18 U.S.C. § 2724(b)(3), and other applicable law;
- (l) Pre-judgment and post-judgment interest at the maximum rate allowed by law; and
- (m) Such other and further relief as this Court deems just and equitable.

86. Punitive and Exemplary Damages—Segregation. Plaintiff's claims for exemplary and punitive damages are asserted solely against Defendant Terry Johnson in his individual capacity. As against Defendant Johnson, Plaintiff seeks exemplary and punitive damages under 42 U.S.C. § 1983 (Counts I and II), 18 U.S.C. § 2724(b)(2) (Count III), and Texas Civil Practice and Remedies Code § 41.003 (Counts IV, VI, and VII).

87. Punitive and exemplary damages are measured in part by the wrongdoer's financial condition and net worth, because the purpose of such damages is to punish and deter, and an amount sufficient to deter a person of ordinary means may be inadequate to punish or deter a defendant of substantial wealth. Plaintiff will seek discovery of Defendant Johnson's net worth

and financial condition and requests an award of exemplary damages against Defendant Johnson, in his individual capacity, in an amount sufficient to punish him and to deter similar conduct in light of his financial condition, as determined by the trier of fact.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Christino Rodriquez respectfully prays that this Court enter judgment in his favor and against Defendant Johnson as follows:

1. Award Plaintiff compensatory and actual damages against Defendant Johnson in an amount to be determined at trial;
2. Award Plaintiff exemplary and punitive damages against Defendant Terry Johnson, in his individual capacity, in an amount to be determined by the trier of fact sufficient to punish Defendant Johnson and to deter similar conduct in light of his conduct and financial condition;
3. Award Plaintiff liquidated damages of not less than \$2,500 against Defendant Johnson under the Driver's Privacy Protection Act, 18 U.S.C. § 2724(b)(1), plus actual damages in excess thereof;
4. Award Plaintiff statutory damages as authorized by applicable law;
5. Enter a declaratory judgment that Defendant Johnson's conduct violated Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution and the Driver's Privacy Protection Act;
6. Enter injunctive relief, against Defendant Johnson in his official capacity, requiring the provision of lifetime identity-theft protection and credit monitoring services to Plaintiff, and requiring all reasonably necessary steps to mitigate the harm caused by the disclosure; and, in the alternative, award the cost of such

lifetime identity-theft protection and monitoring services as an element of Plaintiff's compensatory damages against Defendant Johnson in his individual capacity;

7. Award Plaintiff his reasonable attorney's fees and costs of suit against Defendant Johnson pursuant to 42 U.S.C. § 1988 (as prevailing party on the § 1983 claims), 18 U.S.C. § 2724(b)(3) (as prevailing party on the DPPA claim), and all other applicable fee-shifting statutes;

8. Award Plaintiff pre-judgment and post-judgment interest at the maximum rate allowed by law; and

9. Grant such other and further relief as this Court deems just, equitable, and proper.

X. JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable pursuant to the Seventh Amendment to the United States Constitution and Federal Rule of Civil Procedure 38.

DATED: July 27, 2026.

Respectfully submitted,

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