

3. Venue is proper in the United States District Court for the Middle District of Florida because the Plaintiff resides in and Plaintiff's claims occurred in Brevard County, Florida.

PARTIES

4. Plaintiff Langevin is a Councilman in the City of Palm Bay representing Seat 3 since 2024.

5. Defendant City of Palm Bay, with a population of over 150,000, is the largest city in Brevard County.

FACTUAL ALLEGATIONS

6. In the summer of 2025, Plaintiff posted statements on the site X (formerly known as Twitter), criticizing immigration patterns into the United States and expressing his disappointment regarding the rate of assimilation to American culture by new immigrants upon entry.

7. In response to the controversy regarding Councilman Langevin publishing these views, the Palm Bay City Council sought to punish and limit his ability to speak at meetings through the passage of a Resolution which would remove his ability to speak or to add items to the city agenda for consideration.

8. At a meeting of the city council on November 16, 2025, the council passed on a 3-2 vote, Resolution 2025-41, a resolution which included three specific punishments. Resolution 2025-41 provides that:

a) Prior to placing an item on the agenda for Council consideration, Councilmember Langevin must seek and receive the consensus of a majority of City Council;

b) Councilmember Langevin shall not speak during the Committee/Council Reports portion of the meeting, except to request the consensus of a majority of City Council to place an item on a future agenda;

c) Councilmember Langevin is immediately removed and not eligible for future appointments to any City of Palm Bay boards or committees.

(Resolution 2025-41)

9. During the discussion of Resolution 2025-41, members of the city council stated multiple times during the debate that the purpose of the Resolution and its punishments was to limit Councilmember Langevin's ability to express his political views. The Resolution has had that effect; limiting his ability to speak and damaging his ability to be heard.

10. The resolution and its punishments took effect immediately upon its enactment on October 16, 2025, and is currently in effect. During the same October 16, 2025, meeting, and immediately upon passage of the Resolution, the Mayor of the City sought to apply its unlawful provisions against Plaintiff, requesting that he seek a majority consensus of the other councilmen before speaking on an item.

Censure Allowed Only When It Is A Non-Punitive Measure

11. Although a city council may pass a censure motion against a council member, the inclusion of punishments such as limitations on the ability to speak raises significant constitutional concerns under the First Amendment and are unlawful. *See Houston Cmty. Coll. Sys. v. Wilson*, 595 U.S. 468, 478 (2022) ("The First Amendment surely promises an elected representative ... the right to speak freely on questions of government policy.") The Supreme Court has recognized

censure as a permissible action by elected bodies to express disapproval of a member's conduct, provided it does not involve other forms of punishment. In *Houston Community College System v. Wilson*, the Court held that a censure motion addressing a member's conduct did not violate the First Amendment because it was a form of argument and counterargument within the scope of the elected body's duties; however, this case explicitly distinguished censure from punitive measures such as expulsion or exclusion, which were not at issue. *See McGill v. MacFarlane*, 727 F. Supp. 3d 1268, 1283 (M.D. Fla. 2024) ("Moreover, courts have long been reluctant to classify the speech of elected officials as unprotected.

First Amendment Considerations for Speech Limitations

12. City council meetings are considered limited public forums, where speech restrictions must be reasonable and viewpoint neutral. In *McDonough v. Garcia*, the Eleventh Circuit clarified that city council meetings are limited public forums because they restrict speech to specific topics pertinent to the city. In such forums, the government may impose restrictions on speech, but those restrictions must not discriminate based on viewpoint and must be reasonable in light of the forum's purpose. *McDonough v. Garcia*, 116 F.4th 1319 (11th Cir. 2024).

**COUNT I – 42 U.S.C. § 1983, Violation of First Amendment, as applied to the states under the Fourteenth Amendment
(First Amendment Retaliation)**

13. Plaintiff incorporates by reference Paragraphs 1–12 of this Complaint as though fully set forth below.

14. Pursuant to 42 U.S.C. § 1983, “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”

15. Plaintiff’s conduct and speech is protected by the First Amendment to the United States Constitution.

16. Defendant knew that Plaintiff was engaged in protected speech and expression as referenced herein and all or some of Defendant’s agents have conceded as such while operating within the course and scope of their employment or agency.

17. Defendant passed Resolution 2025-41 to punish Plaintiff and expressly to limit his ability to speak, because he exercised his First Amendment rights on political topics. Defendant’s actions against Plaintiff constitute First Amendment retaliation and unconstitutional content discrimination.

18. Defendant and its agents punished Plaintiff and limited his speech because they classified his viewpoints as controversial, offensive, and as views that needed to be censored. Defendant’s actions against Plaintiff constitute unconstitutional viewpoint discrimination.

19. As a direct and proximate result of the violations of 42 U.S.C. § 1983,

as referenced and cited herein, Plaintiff has been substantially deprived of the benefits and privileges of his constitutional rights, the rights of his city council office, and he has been substantially and significantly injured in his ability to legislate and debate.

20. As a direct and proximate result of the violations of 42 U.S.C. § 1983, as referenced and cited herein, and as a direct and proximate result of the prohibited acts perpetrated against him, Plaintiff is entitled to all relief necessary to make him whole, including, but not limited to, immediate injunctive relief.

PRAYER FOR RELIEF

For these reasons, Plaintiff requests that this Court enter judgment against Defendant and issue the following relief:

- I. Declare that Defendant's actions against Plaintiff violate his rights under the First Amendment and constitute retaliation;
- II. Enter a preliminary and permanent injunction voiding Resolution 2025-41 and all relevant actions of Defendant.
- III. Award Plaintiff appropriate compensatory damages;
- IV. Award Plaintiff appropriate punitive damages;
- V. Award reasonable attorney's fees and costs under 42 U.S.C. § 1988 and;
- VI. Award such other relief as Plaintiff is entitled to and that the Court may deem just and proper or that is necessary to make the Plaintiff whole.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38 and the Seventh Amendment to the United States Constitution, Plaintiff demands a trial by jury as to all issues triable of right.

DATED: October 20, 2025

Respectfully submitted,

/s/ Anthony F. Sabatini
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Attorney for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CHANDLER LANGEVIN

(b) County of Residence of First Listed Plaintiff BREVARD
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony Aabatini, 1601 E. 1st ave.
Mount Dora. FL. 32757

DEFENDANTS

CITY OF PALM BAY

County of Residence of First Listed Defendant BREVARD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983, 1988

Brief description of cause:
FIRST AMENDMENT RETALITATION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
1,000,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

10.20.1988

S/ ANTHONY F. SABATINI

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____