

1 John B. Kenney  
2 P.O. Box 7344  
3 San Diego, California, 92167  
4 (619) 269-1775  
5 jbkinCAProPer.Prison4ever@gmail.com  
6 John B. Kenney, In PRO PER

FILED

13 JAN 30 PM 4:25

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: *WJA* DEPUTY

7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA

9 JOHN B. KENNEY,  
10 Plaintiff  
11 Vs.

12 THE CITY OF SAN DIEGO &  
13 FEDERAL & PRIVATE  
14 CONTRACTOR INTELLIGENCE  
15 COMMUNITY AND SECURITY  
16 POLICE-STATE INDUSTRIAL  
17 COMPLEX CONSPIRATORS, the  
18 SAN DIEGO POLICE DEP'T,  
19 (SDPD), SDPD Ex-CHIEF OF  
20 POLICE & Then-MAYOR OF SAN  
21 DIEGO SANDERS, SDPD CHIEF  
22 LANSDOWNE, SDPD OFFICERS,  
23 THOMPSON, LAWRENCE, STUM  
24 & Does #1-200, SAN DIEGO CITY  
25 ATTORNEY JAN GOLDSMITH,  
26 SAN DIEGO SHERIFF'S DEP'T &  
27 SHERIFF GORE, and DOES  
28 1-20,000, inclusive,  
Defendants

) Case No.: **'13 CV 0248 WQH DHB**  
) COMPLAINT; VIOLATION OF CIVIL RIGHTS  
) FOR:  
) 1. VIOLATION OF CIVIL RIGHTS UNDER 42  
) U.S.C. *β*1983  
) 2. UNLAWFUL POLICIES, CUSTOMS OR  
) HABITS UNDER 42 U.S.C. *β*1983  
) 3. NEGLIGENCE  
) 4. ASSUALT  
) 5. BATTERY  
) 6. FALSE ARREST/ DETENTION - UNDUE  
) DELAY  
) 7. NEGLIGENT & /or INTENTIONAL  
) INFLICTION of EMOTIONAL DISTRESS  
) 8. VIOLATION OF CIVIL RIGHTS UNDER CA  
) Civ. Code *ββ* 51 & 52:  
) 9. CONSPIRACY UNDER 42 U.S.C. *β* 1985(3)  
) &/or OTHER; Penal Code 182  
) 10. STALKING Civil Code *β* 1708 & Penal Code  
) *ββ* 646.9; 18 U.S.C. *β* 2261A  
) 11. DEFAMATION; CA Civil Code *ββ* 44-48; 2nd  
) Restatement *ββ* 564, 570-574  
) 12. INVASION OF PRIVACY UNDER 42 U.S.C.  
) *β* 1983, 4th Amend., 18 U.S.C. *ββ* 2701 et seq. &  
) CA Penal Code *ββ* 630-633  
) (Exceeds \$25,000)  
) DEMAND FOR JURY TRIAL  
) Dept: \_\_\_\_\_, Judge \_\_\_\_\_  
) Complaint Filed: Jan. 30, 2013

26 "Equal Justice, Under Law"

27 Plaintiff JOHN B. KENNEY alleges:

28 1. Beginning in the undemocratic, racist, protectionist, predatory and parasitic police-state of Japan, and seriously ramping up after 9/11 and Bush's second theft of

1 our democracy in 2004, Plaintiff, John B. Kenney, has been unconstitutionally  
2 badgered, assaulted, violated and attacked, 24/7/365, for well-on ten (10) years++  
3 now, by various power-drunk police-state, ONI & intelligence community goons,  
4 security industrial apparatus fascists, and other sundry conspirators- who are just  
5 too myopic to see beyond their false and self-aggrandizing conception of the world  
6 where they are virtual saviors of our "national security" -or whatever is left of it after  
7 this perfidy- and the rest of us are sheep- to be manipulated, monetized and then  
8 consumed. At least, (in their estimation) I must be.

9 2. Even our "Supreme Court" thinks it is all but fitting to ignore video evidence  
10 of civil rights violations you contribute in conspiracy to.

11 3. It is becoming increasingly difficult for me to maintain even a semblance of  
12 equilibrium- let alone any magnanimity. What you have done to me -continue to do-  
13 is despicable. And you do it to so many others... even yourselves, our entire nation  
14 and democracy as a whole: Whether in "Command"; or as subordinate belligerents,  
15 deliberately employing intrusive psychological warfare tactics, physical intimidation  
16 & violence; or as paid info-whores; or in meek, docile submission to a greater subset of  
17 hypocritical Carl-Rovian-speak "evil-doers"- what you perpetuate is wrong, criminal  
18 and immoral. Only those who have been honestly duped by this very deeply  
19 entrenched network -unfortunately, to some extent, that includes us all- have any  
20 release from guilt. Though that too, begs the question of who amongst those have  
21 invited their own subordination to empire through acquiescence; Submission.

22 4. Regardless, anyone occupying any chain-link position in this inherently  
23 unconstitutional, criminal and immoral network, is culpable for the malicious intent  
24 of those in Command, and the mobile cocoon they've entrapped me (Us all.) in. A  
25 cyber-gulag where all citizens are complicit, malleable KGB IHs...

26 5. Hear my Complaint against your perfidy: How shameful and fascist this  
27 subversion of our liberty, this willful coercion of an entire populace to continue the  
28 harassment of a citizen(s) for the behoovement of a tiny terrorist cell of false Viceroy's,  
gang-banksters, lobbyist, monied elite and your corporatist drones. And in obtuse

1 “secrecy”, and eyes-only “confidentiality” for the fraudulent, one-way purposes of your  
2 “National Security”. Not ours.

3 6. History will record just how foul, despicable and hypocritical your acts are- In  
4 the name of a false democracy you strangle with your mental soilings... May they  
5 forgive you. I find it increasingly difficult to summons the strength to do so.

6 7. Contemptible and vile excuses for humanity that these acts of yours are.  
7 Where is there justice in this Penal colony where money will buy you anything..?  
8 Even the incarcerations, suppression, continued abuse and harassment of a citizenry.  
9 Even our representatives. Even the Presidency. Even “Justices” who claim they  
10 dispense justice... Even the very “truth” and concept of “justice” itself. For a price.  
11 Your *Citizen's United* pounds of flesh sliced out of our collective hearts, and minds  
12 and souls.

13 8. You do this.

14 9. Some day we will evolve beyond our incredible mad rush for the technological  
15 means to administer military-industrial complex death, security apparatus 24/7  
16 surveillance, penal colony incarceration of large swaths of our populace for the  
17 “profit” of the red-necked capitalist few... And they, become we, will know you for who  
18 you are: Liars, hypocrites and suborners of our liberties.

19 10. The skeletal remains of souls unjustly victimized, that paved the road to the  
20 Auschwitz Holocaust, and ultimately -had democratic nations not interjected; the  
21 Nazi Armageddon to end our civilized way of life as we knew it then- were condemned  
22 not so much by Hitler and his fascist cohorts, but by the millions of decent,  
23 hard-working citizens, who acquiesced...

24 11. In silence.

25 12. In Japan, with U.S. collaboration, similar horrors are still being covered-up  
26 and suppressed. There is grave U.S. complicity in Unit 731 human experimentation,  
27 chemical and germ warfare, even human vivisection and then the Japanese forced  
28 sex slave system of “comfort women”, allowing our servicemen to be used as  
slave-labor to Japan Inc., even to this day Most of the evidence still sealed away in

1 the shadows of hypocrisy known as "state secrets" or "confidential", documents, etc.,  
2 supposedly for "national security" purposes.

3 13. So it is also with the corporate drone apparatchik, who bow and bend- coerce,  
4 suborn and suppress- in the name of their elitist, wanna-be imperial capitalist royals,  
5 and their police-state faux Viceroy, domestic and abroad.

6 14. My life -as you have reduced it to- is horrible.

7 15. Your abuse is so clearly approaching omnipresent...

8 16. But so, so, so far from omniscient.

9 17. You're just *CREEPS*. Some actually clinging to patently false claims of  
10 benevolence in your despicable acts.

11 18. However: If it continues unabated- in the most tragic fashion of the KBG, **SS**  
12 Nazi Gestapo, and the Japanese Imperial Kempetai, and various other evil "Though  
13 Police", et al- of course, it *will* become omniscient: Your one-dimensional paranoid  
14 thought. *Regurgitated, re-puked, re-vomited, re-defecated, re-booted... ad nauseam.*  
15 1,000 points of silenced majority neo-con *Bush-lite-Cheney-Rove-speak* crap. Our  
16 democracy surrendered by 1,000s of tiny MIC privatized police-state cuts. A cancer  
17 on the body public- an entire citizenry turned upon itself

18 19. I've not the strength for forgiveness, presently: Your acts are those of ugly,  
19 small-minded persons that history will accurately ordain as pathetic & megaloman  
20 -iac -clearly willing to torture and much worse just to maintain a false sense, and  
21 willfully malicious & illegal claim to, the right to abuse of power with pure impunity.

22 20. Or else we will succumb to your fascist intent.

23 21. I'm a not your Murdochian Kyocera-Qualcomm-SAIC-Ft.-Detrick-ONI-oni-  
24 Unit 731...or worse... lab rat to maliciously suppress and torture as you will.

25 22. Yet you do.

26 23. I'm not your dog. Stop the gang-bankster rapes and frauds of conscious you  
27 perpetuate upon me... On us. On the U.S. On Our Democracy. Not Yours! These  
28 acts are foul.

1 24. I know some of my grievances are entirely personal; may even, in isolation,  
2 seem to be petty. I know I have made many mistakes in my past, even daily.

3 25. But the truth & justice of the matter is: Even if these complaints I present to  
4 you -yet again- were merely just about me... All the inalienable rights attributable  
5 to any humanity, in any post-industrial era, anywhere in the world would necessitate  
6 that I should still be compelled to make them. Yet again.

7 26. But, in bold reality, in the unending abuse, surveillance, prodding, and  
8 various other sundry illegal, inhumane acts you perpetuate against me... They are  
9 not only symptomatic of a systemic world of horror you are building for us all  
10 -including yourselves -in the name of "democracy", sometimes even "liberty"- usually  
11 in the fraudulent guise of "national security"- they are just illegal, cruel and  
12 inhumane on their face.

13 27. They are acts targeted at many of the masses of this world...

14 28. There are Universal Human Rights.

15 29. You violate and abuse them. Deliberately, systematically and maliciously.

16 30. In an age of abundance and ever-spiraling upward innovation, creativity and  
17 quality of life--why have you chosen to adopt such cruel, oppressive, corporatist  
18 *yakuza-imperial-racist-beggar-thy-neighbor* ways.

19 31. And still, in your bottomless paranoia, you are not even happy enough with  
20 your near omnipresent macro-fraud, you have endeavored- and presently succeed- in  
21 an ever narrowing and fascist micro-fraud of "social-media", particularly targeted on  
22 an unsuspecting and unaware youth.

23 32. Now, in what is clearly the surreptitiously imposed twilight of my life, I make  
24 this truthful Declaration; Protest; Appeal; Complaint... I Pray onto you:

25 33. We have presented to you some of the more obvious inane acts of this elite  
26 corporate minority- Please stop:

27 1.) The treasonous hypocrisy of allowing foreign nations to pervert our  
28 democracy and buy our representatives through unconstitutional lobbying. In fact  
stop corporate and especially nationalistic- lobbying altogether.

1           2.) And the illogical hypocrisy and self-evident inanity of corporate  
2 “personhood” -whatever that diabolical “thing” could mean;

3           3.) The duplicitous *Citizen's United* hypocrisy that \$¥\$ cash-money is equal to  
4 Our Constitutional right to “free speech”, just as discriminatory voter suppression is.  
5 This city has more than its fair share of abuses: A congressional race where criminal  
6 acts with supposedly secure “electronic voting machines” were left in the hands of the  
7 supporters of the very man jailed for corruption; A mayor elected, then the election  
8 stolen, ala Florida 2000, and an ex-chief of police usurps the office of a “strong mayor”  
9 for 8 corrupting more year; Enron by the Sea; pension, etc., etc.;

10           4.) The unconscionable hypocrisy of gang-bankster fraud perpetuated in  
11 several Trillions/*CHI*pan-Godzillions of \$¥\$ in U.S. citizen's subsidies- TARP & other  
12 trillions of \$\$ hand-outs to the gang-banksters; Richer-than-false-gods,  
13 czars-of-the-universe revoltingly grotesque CEO bonuses; and the “right” to  
14 fraud-closure on masses of “We the People”, even when it is patently and obviously  
15 illegal; Etc, etc, etc;

16           5.) The unconstitutional hypocrisy of illegally surveilling U.S. citizens for  
17 years, if not decades, on end; unconscionably obstructing -thus destroying their lives,  
18 and then hypocritically refusing discovery- or worse; lying about the evidence you  
19 have unconstitutional amassed under the oppressive mask of “Homeland Security”,  
20 NDAA, the “Patriot Act”, etc. What a sham!;

21           6.) Falsely “selling” an entire generation of humanity on the virtues of  
22 belonging to the only systems available -that you will FraudBook “persuade” us on till  
23 you decide its more efficient to coerce, or physically beat into the flesh of- then  
24 data-mine & identity-theft our collective privacy(s), intimate details and very  
25 essence- to prostitute to the highest, nefarious, usually corporate or security-penal-  
26 military-industrial complex bidder- making all of humanity, yet another commodity:  
27 Another whore of your corporate Babylon.

28           7.)(a) Allowing the hypocrisy of a so-called “Chief Justice” of a “Supreme  
Court” to state they don't bother correcting the “obvious” miscarriages of justice



1 which are readily self-evident as errors of "facts" in lower courts -as they will  
 2 somehow mysteriously self-correct themselves...(?!?!?) Logic?: The "errors" of "fact" are  
 3 so egregiously "wrong" that society will recognize such and correct those verdicts...  
 4 Somehow. (Though that's never explained.) Rather, it is claimed, the Supreme  
 5 Court's exclusive role is about conflicts in interpretations of the law of the  
 6 Constitution. Of course, he neglects to note- they fail in that respect as well, but at  
 7 least they are "better than the Executive and Congress". This is a pathetic standard  
 8 to espouse to- were even that that minor ambition accomplished. The Supreme Court  
 9 *is* the cradle of "justice" in our "democracy". No more. No less.

10 (b) To even suggest anything less is an abrogation of one's own responsibility  
 11 such as to be a fascist abuse of power, a fallacious semantically coup d'état in service  
 12 of the elite regulatory captors over the inherent rights and liberty of We the People.

13 (c) And the plain language of the Constitution is just so clear and  
 14 unambiguous;

15 ***U.S. Constitution, Article III. Secs.1&2:***

16 ***"Secs.1. The judicial Power [Emphatic capitalization of "judicial Power",***  
 17 ***is the Founding Father's, not mine.] of the United States, shall be vested in***  
 18 ***one supreme Court... The Judges...shall hold their Offices during good***  
 19 ***Behaviour..." (Ah oh...)***

20 ***"Secs.2. The judicial Power shall extend to all Cases...to Controversies***  
 21 ***between...***

22 ***"In all the other Cases before mentioned, the supreme Court shall have***  
 23 ***appellate Jurisdiction, both as to Law and Fact...[Emphasis added.]"***

24 (d) If you will unto yourself the right to abrogate your responsibility to Our  
 25 Constitution... for the filth of *Citizen's Unitedesque* money... Then do the honorable  
 26 thing... and equally abdicate your false thrones of "judicial Power", served unto the  
 27 elite alone.

28 (e) Naturally, when states, localities and others know the Supreme Court will  
 not dispense any "justice" regarding their often criminal deficient and patently wrong  
 verdict, naturally they will learn they may continue to abuse such powers with  
 impunity. Thus Our Land of Liberty's justice may now be correctly labeled a  
 "Supreme Hypocrisy" and her dispensers of corporate, gang-bankster imposed fraud

1 8.) Perpetuating the hypocrisy of a “democracy” with the thus-to-fore greatest  
2 incarceration and military suicide rates known to humanity-save the fraud labeled a  
3 “democracy”, yet properly known as police-state Japan Inc.

4 9.) The hypocrisy of San Diego, CA, and the U.S. as a whole, regrettable and  
5 often criminal participation in the military-industrial complex factories and creators  
6 of military empire in this valley of the shadow of death... Our overseas Lord Viceroy  
7 in their self-sequestered, J-quarantined warm harbors -gilded and concupiscent  
8 compounds- believe they have the authority to destroy, surveil, abuse- merely  
9 because they touch the trigger of such capacity... They're just mind termites -neutron  
10 bombs devoid of moral curiosity- who in Carl-Rovian duplicity trumpet “national  
11 security” in deafening excess, all the while eating away, devouring in their own  
12 saliva, defecation and puke- the foundations of our democracy, our liberty, our  
13 humanity.... It will all come crashing down on our heads- these liars of power  
14 delivered from the end of a barrel of a gun.

15 10.) These, and many more -most readily apparent- crimes against Our  
16 striving, most hopeful Humanity, and against Our -“We the People's”- Democracy,  
17 ...which corrupt our once proud nation into its present fallen state- this surreal  
18 corporatist privatized crime: Your corporatist suborned Hypocrisy of Democracy.

19 34. In earlier appeals to various state and private actors -foreign, local, state,  
20 federal and private- Plaintiff has appealed, complained -even begged for- his  
21 inalienable right to:

22 *“... even just to freely move about without the threat of harassing police*  
23 *presence and obstruction. Plaintiff’s very existence has been reduced to the*  
24 *life of one silently and covertly shunned, harassed, mercilessly intimidated*  
25 *and coerced into his own private Guantanamo. ...with pretextual creeps, in*  
26 *multiple redundancies, slathered upon him. ...even my family and friends*  
27 *have been intimidated and coerced into denying the truth, denying my*  
28 *rights, attempting to manipulate [me]...even testifying falsely against me...  
That era is over.” [Well, not quite. That was over 4 years ago. See,  
immediately post.]*

35. These various conspirators:



1        "... attempt to harm the Plaintiff's life and well-being with the intent of  
2        malice and oppression, and in reckless disregard of Plaintiff's rights,  
3        safety, health and sheer torturous mental duress." [From 2009 Complaint,  
4        **Kenney v. Luc**, with Conclusive Video Evidence, yet Un-Constitutionally  
5        ignored by Judge Bloom of CA Superior Court in San Diego, CA Court of  
6        Appeals in San Diego, and, recently and summarily, even the U.S.  
7        Supreme Court... See also U.S.CD, L.A., **Kenney v. Japan Inc.** 2011]

6        36. As I, Plaintiff, John B. Kenney, have stated often before;

7        "*This is absurd... There are laws... There is a Constitution. (Both Californian*  
8        *and United States)... There is unequivocal video evidence...*" [From previous  
9        lawsuit(s), see *ante.*] All conclusively, proving numerous civil rights  
10        violations- Per se.

10        37. Unequivocal. Not even video evidence sways you from your abuse of power,  
11        abandonment of justice...

11        38. Yet this City's, this nation's, police-state fascist elements, and the grotesquely  
12        corrupted private benefactors and usurpers of our "national security"--continue their  
13        unlawfully oppression of me, (Among large swaths of our population -if not the entire  
14        nation- inclusive.) unabated. Now, with "Supreme Court" sanction, (Of what? Not of  
15        **Our** Constitution!) rebuffing video evidence to the contrary.

16        39. Perhaps their mothers never taught them- just because you **can** be an  
17        asshole... **Can** abuse your power...

18        40. Does **not** mean you *should*.

19        41. Equally, just because you **can** be a bully; Discriminatory, immoral,  
20        repugnant, myopic, monetized and heartless corporate drones, etc... Does **not** mean  
21        you *should* do so.

22        42. In fact, it is illegal, unconstitutional and against the values of all civilized,  
23        democratic nations- now several millennium in progressive advance.

24        43. And it already is... and ultimately will... lead inevitably to Our fall.

25        44. History will not look kindly at the way in which you sold away Our most  
26        cherished principles, twice before reclaimed with the sword, and blood on Our soil.

27        45. The "*Patriot Act*", Department of Homeland Security, TSA, Pitchess Act, and  
28        Citizen United, to name but a few, are Un-Constitutional and will lead -or have

1 already brought us- to a new fascist reality. While there is much to be admired in  
2 the service of many a law enforcement, government, justice sector person, if the  
3 system is corrupted beyond conscious, then the individual brave humane acts of the  
4 individual will be swallowed-up in the contemptuous greed of the banksters,  
5 gangsters and lobbyists, enmeshed in a cauldron with their alter-ego corporate false  
6 prophets of privatized "security".

7 46. For the privileged few.

8 47. Thus ultimately... Not at all.

9 48. The record of my various appeals to you -and history- will clearly demonstrate  
10 how cruel, callous, willfully blind and coercively evil you -and thus "We", the People-  
11 have been... Have become... Always were?

12 49. Just because some self-anointed and self-satisfied "elite" in Our land where all  
13 men, women and children are created equal, consense to perpetuate grand-scale  
14 Injustice -cruel and self-serving "laws" professing of "democracy"- does not make  
15 them right. As our history of slavery, genocide of indigenous peoples and  
16 assassinations of Our leaders in this land of Ours emphatically attests to.

17 50. I appeal to your fallible and manipulated sense of justice yet again -over a  
18 decade of my life, finances, energies and soul surrendered to your oppression(s)...  
19 Please amend your ways. Please - as "*law enforcement*", "*security*", "*government*",  
20 and "*justice sector*" personnel, etc.- please *follow* and *protect* us- the Law- and Our  
21 Constitution. Not *abuse* it/them/me/us.

22 51. I appeal to you... To your humanity.

23 ***I. PARTIES:***

24 52. Plaintiff, JOHN B. KENNEY, is a competent adult, who was born in and is a  
25 citizen of the United States and now resides in the County of San Diego, California.

26 53. DEFENDANT CITY OF San Diego (City) is a public entity, with its principal  
27 place of business located at B & C St., San Diego, CA 92101.  
28

1 54. DEFENDANT San Diego POLICE DEPARTMENT (SDPD) is a “public  
2 entity”, with its principal place of business located at 1401 Broadway, San Diego, CA  
3 92101.

4 55. DEFENDANTS San Diego Police Department (SDPD) Officers, Thompson,  
5 Lawrence, Stum, and Does #1-200, are, and at all times herein mentioned were,  
6 police officers in the employ of the DEFENDANT SDPD of DEFENDANT City and  
7 conspirators with, other DEFENDANTS in San Diego County, CA. DEFENDANT  
8 SDPD Chief of Police William Lansdowne (SDPD-Chief Lansdowne) at all times  
9 herein mentioned was/is supervisor to, and conspirator with, other DEFENDANTS,  
10 especially all members of SDPD.

11 56. DEFENDANT Ex-Mayor Sanders of San Diego (Mayor) is a public official, and  
12 was supervisor to, and conspirator with, other DEFENDANTS, previously with his  
13 principal place of business located at, or near 3rd and B St., San Diego, CA 92101.

14 57. DEFENDANT Jan Goldsmith, is and at all times herein mentioned was, the  
15 CITY ATTORNEY (C.A. Goldsmith) in the employ of the City of San Diego (City) in  
16 San Diego County, where most of the following incidents and related acts of  
17 interference, malice and oppression occurred, was/is supervisor to, and conspirator  
18 with, other DEFENDANTS, and “[was]...notified of the Plaintiff’s grievances  
19 concerning th[ese] particular despicable violation(s) of his person, his possessions and  
20 his civil rights, and...elected to callously reject and ignore the Plaintiff’s plight and  
21 allow the various law enforcement conspirators to continue to maliciously threaten,  
22 intimidate, coerce, invade the privacy of and otherwise do what was within their  
23 immediate power and whimsical fancy to interfere with the Constitutional rights of the  
24 Plaintiff.” [From 2009 Complaint, *Kenney v. Luc*, with Conclusive Video Evidence,  
25 yet Un-Constitutionally ignored by Judge Bloom of CA Superior Court in San Diego,  
26 CA Court of Appeals in San Diego, and, recently and summarily, even the U.S.  
27 Supreme Court... See also U.S.CD, L.A., *Kenney v. Japan Inc.* 2011]

28 58. DEFENDANTS Federal & Private Contractor Intelligence & Security  
Police-state Industrial Complex Conspirators, (IC/MIC Conspirators) are

1 supervisor(s) to, and conspirators with, other DEFENDANTS, and their true names  
2 and capacities are as yet, unknown to the PLAINTIFF. Plaintiff will amend this  
3 complaint to allege their true names and capacities when ascertained. Plaintiff is  
4 informed and believes and on that basis alleges that each of the IC/MIC Conspirator  
5 DEFENDANTS are responsible for the occurrences alleged in this complaint, and  
6 that the DEFENDANTS proximately caused the Plaintiff's claims alleged in this  
7 complaint.

8 59. DEFENDANT San Diego SHERIFF'S DEPARTMENT (SD-Sheriffs) is a  
9 "public entity", and Sheriff William Gore (Gore) its Chief Supervisor to, and  
10 conspirator with, other DEFENDANTS, with their principal place of business located  
11 at 9021 Ridgehaven Ct., San Diego, CA 92123.

12 60. At all times material hereto, all supervisor DEFENDANTS were acting in  
13 their administrative capacity in providing legal advice to police officers and others,  
14 regarding the detention of the Plaintiffs and his constant 24/7/365 days a year  
15 surveillance, and periodic detention, and search and seizure of both his body and all  
16 of his possessions in circumstances where no warrants had been obtained and no  
17 criminal charges had been filed. They are all sued in their individual capacities. All  
18 Defendants mentioned herein are co-conspirators, and are believed to presently  
19 reside, &/or do business in San Diego, CA.

20 61. DEFENDANTS DOES 1 through 20,000, inclusive, are sued under fictitious  
21 names. Their true names and capacities are unknown to the PLAINTIFF. Plaintiff  
22 will amend this complaint to allege their true names and capacities when  
23 ascertained. Plaintiff is informed and believes and on that basis alleges that each of  
24 the fictitiously named DEFENDANTS is responsible for, &/or c-conspirators to, the  
25 occurrences alleged in this complaint, and that the DEFENDANTS proximately  
26 caused the Plaintiff's claims and damages alleged in this complaint.

27 62. Plaintiff is informed and believes and on that basis alleges that at all times  
28 mentioned herein, the Named Defendants, thus far, and each of them, as named to  
date, were residents and/or were doing business within the County of San Diego in

1 the State of California, within this judicial jurisdiction, and that the Defendants, and  
2 each of them, is responsible to Plaintiff pursuant to the causes of action set forth  
3 herein.

## 4 II. VENUE

5 63. This Court is the proper Court to bring this action because the Plaintiff, John  
6 B. Kenney resides in the jurisdiction of the Central Division of the Superior Court of  
7 the County of San Diego at 5076 Saratoga Avenue, San Diego, CA 92107 in the  
8 County of San Diego, California, and many of the incidents happened in San Diego,  
9 CA. Pursuant to California *Civil Code*  $\beta$  52.1 (c); "*An action brought pursuant to*  
10 *subdivision (a) or (b) may be filed either in the superior court for the county in which*  
11 *the conduct complained of occurred or in the superior court for the county in which a*  
12 *person whose conduct complained of resides or has his or her place of business.*"

13 64. Plaintiff filed numerous *Complaints/Claims* with the *Citizen's Review*  
14 *Board (CREB)* & with the *City of San Diego (City)* between April and July of 2012 for  
15 all grievances alleged herein. The City denied plaintiff's claims on (1) June 18, 2012,  
16 ["Date of Incident: 10/14/2011"]; (2) June 19, 2012, ["Date of Incident: 11/02/2011"];  
17 (3) August 7, 2012, ["Date of Incident: 12/10/2011"]; (4) August 23, 2012, ["Date of  
18 Incident: 3/24/2011"]; and (5) October 1, 2012, ["Date of Incident: 1/31/2012"]. SDPD  
19 has thus far refused to respond to any of Plaintiff's complaints, &/or queries.

## 20 III. GENERAL & FACTUAL ALLEGATIONS

21 65. Incident of 10/14/2011: On 10/14/2011, Plaintiff was lawfully at San Diego  
22 City Plaza, located on B St., San Diego, CA 921010 (SD Plaza), peacefully exercising  
23 his 1st Amendment rights of Free Speech. At approximately 7:00am, a large group of  
24 police entered the plaza and rushed our group. We were verbally warned to leave  
25 but most demonstrators remained in the public square.

26 66. Plaintiff personally was assaulted 4 times by various SDPD cops, including,  
27 two times having his arm aggressively assaulted with a "flesh-ripper" device; and the  
28 last time -reacting to a woman who was screaming when the SDPD tried to have her  
forcibly removed- he moved over to the area she was at. Plaintiff was targeted by a

1 cop who grabbed him by the throat and then slammed him to the ground on his back.  
2 Stunned, Plaintiff began to stand up. The same officer was still off to his side. He  
3 yelled "Hey" to Plaintiff, and as Plaintiff turned his head to face him, Plaintiff was  
4 attacked by a stream of pepper-spray, which penetrated his nose and eyes, causing  
5 severe pain and extreme difficulty in breathing.

6 67. As a proximate result, Plaintiff suffered pain, humiliation, as well as the  
7 violation of numerous of his civil rights.

8 68. **Incident of 11/02/2011:** On 11/02/2011, Plaintiff was lawfully driving to SD  
9 Plaza, in order to peacefully express his 1st Amendment rights by participating in a  
10 protest against the banks that caused such devastation to our economy.

11 69. At approximately 11:00am he drove by the San Diego Civic Plaza heading  
12 south on 3rd Ave. Seeing that the well-publicized group of demonstrators, who had  
13 informed the City, all local media outlets and SDPD of the demonstration, were  
14 already gathering, he honked his horn for about 3-5 seconds in support of them.  
15 Many people cheered back at him.

16 70. Again, in a targeted fashion, SDPD Thompson followed Plaintiff into a nearby  
17 parking lot, where first he ordered Plaintiff to get out of his car. Other protesters  
18 arrived with video cameras, so SDPD Thomson changed his command, and asked for  
19 Plaintiff's driver license. Ultimately he wrote Plaintiff up for "*illegal use of horn*",  
20 CVC 27001(b).

21 71. On Sept. 28, 2012 Plaintiff was ultimately fined \$235.00 for being targeted in  
22 support of the Occupy movement and the demonstration(s) against the banks.

23 72. As a proximate result, Plaintiff suffered pain, humiliation, as well as the  
24 violation of numerous of his civil rights.

25 73. **Incident of 12/10/2011:** On 12/10/2011, Plaintiff was lawfully at SD Plaza,  
26 peacefully exercising his 1st Amendment rights of Free Speech. At approximately  
27 11:00pm, Plaintiff was in the Civic Center Plaza with various demonstrators laying  
28 in his sleeping bag, resting. Several SDPD officers arrived and told Plaintiff he  
would have to leave. Plaintiff responded he was just resting.



1 74. The City Attorney's 2007-2011 memorandum and legal documents concerning  
2 "*Illegal Lodging*" and *MC 647(e)* were read to the SDPD officers, at that time.

3 75. Instantly, with no consultation, not even a repeat of what they wanted, SDPD  
4 then summarily handcuffed Plaintiff and arrested him, claiming violations of *Codes*  
5 *PC 148(A)(1)* "*Obstruction, etc./ Pub. Ofcr.*", and *MC 54.0110* "*Illegal*  
6 *Encroachment*".

7 76. Despite violating no law, being arrested at ~11:30pm on the night of  
8 12/9/2011, and the fact his fiancé and others contacted DEFENDANT Sheriff's  
9 department within 2-3 hours, (~2am) and promptly paid \$400.00 in bail, they were  
10 unable to do anything because Plaintiff was not "in the system" until 12:30pm the  
11 next day, paid the posted bail at that time, called the Sheriff's office again at 4pm, yet  
12 still he was not released until almost 21 hours later.

13 77. As a proximate result, Plaintiff suffered pain, humiliation, as well as the  
14 violation of numerous of his civil rights.

15 78. **Incident of 1/31/2012:** On 1/31/2012, Plaintiff was lawfully at SD Plaza,  
16 peacefully exercising his 1st Amendment rights of Free Speech, making final  
17 arrangements for the Occupy San Diego County Summit, scheduled for 2/4/2012, and  
18 which he was one of the principal coordinators/organizers for.

19 79. At approximately 6:30pm, Plaintiff was speaking to others within several  
20 yards of his bag, which had been sitting on the ground next to him for the past 2-3  
21 hours while SDPD officers monitored the people in SD Civic Plaza. Suddenly, with  
22 his back turned speaking to others, 2 SDPD cops swung in, grabbed Plaintiff's bag  
23 and, literally, ran away with it. Plaintiff ran after them, stating to them, "Officers,  
24 that's my bag. Please give me back my bag. Please don't steal my bag."

25 80. The 2 rushed to a patrol car threw the bag in, then seemed to hesitate as  
26 Plaintiff declared over and over to them the above, "Officers, that's my bag. Please  
27 give me back my bag. Please don't steal my bag."

28 81. A Sgt. Lawrence (?) was nearby, so Plaintiff approached her and repeated  
again that that was his bag and he wanted it back. She was argumentative, stating

1 words to the effect that it was abandoned, or illegal encroachment. Plaintiff  
2 repeated it was his bag; it was not abandoned; he wanted it returned to him; and  
3 there was proof it was his within the bag. She didn't care, and signaled to the 2 in  
4 the patrol car to leave, and they did.

5 82. Despite multiple calls and being sent to 2 different locations, Plaintiff was not  
6 able to obtain his bag until nearly 20 hours later. It had been thoroughly searched,  
7 disorganized, some parts damaged, and some of Plaintiff's possessions were missing.

8 83. As a proximate result, Plaintiff suffered pain, humiliation, as well as the  
9 violation of numerous of his civil rights.

10 84. **Incident of 3/24/2011:** On 03/24/2012, Plaintiff was peacefully and lawfully  
11 driving his wife home after having earlier in the day participated in training for the  
12 99% Spring campaign to bring to light the grotesque greed and thefts of our property  
13 and democracy by fat-cat banksters, bloated corporate CEOs, and ilk, and an entirely  
14 corrupted government.

15 85. He was pulled over by SDPD Stum, #6861, on Laurel Ave, about 3 or 4 blocks  
16 downhill from 4th Ave. SDPD Stum asked for all of Plaintiff's info. Plaintiff  
17 complied, but asked several times why he was being stopped. Finally, he was told he  
18 had made a "rolling stop" about 1/2 mile back on 4th. Both Plaintiff, and his wife  
19 told SDPD Stum this was incorrect, but he didn't care and wrote Kenney up anyhow  
20 on a *CV 21461(a)*.

21 86. Ultimately Plaintiff contested this illegal targeting and paid yet another fine  
22 of \$235.00.

23 87. As a proximate result, Plaintiff suffered pain, humiliation, as well as the  
24 violation of many of his civil rights.

### 25 **III. SUMMARY OF CLAIMS:**

26 88. Plaintiff's complaint for damages is based on the unlawful acts of the  
27 Defendants, and each of them, particularly, but not exclusively, as alleged in the  
28 paragraph herein, and Plaintiff's complaint is based on causes of action pursuant to,  
but not limited to, the *Constitutions of the State of California, Article 1,  $\beta\beta$  1.*,

1 (Freedom/Independence of enjoying & defending life, liberty, safety, happiness &  
2 privacy.) β 2., (Freedom of speech, writings & publishing.) β 3., (Freedom of assembly,  
3 due process & equal protection of the law.) β 7., (Due process & equal protection of the  
4 law.) β 13., (Protection from unlawful searches and seizures.) & β 17, (Prohibition of  
5 cruel and/or unusual punishment.) and/or the U.S. Constitution, Article Four  
6 (Freedom of movement.) & the Bill of Rights, the First (Freedom of assembly, speech,  
7 communications, etc.), Fourth (Protection from unlawful searches and seizures.),  
8 Fifth (Due process.), Sixth (Right to counsel.), Eighth (Prohibition of cruel and/or  
9 unusual punishment.), Ninth (Rights not specifically enumerated, i.e., right of  
10 privacy.) & Fourteenth Amendments (Due process & equal protection of the law.).  
11 Further, Plaintiff alleges and is informed and herein believes the Defendants, and  
12 each of them, acted with negligence and/or intentional malice, oppression and/or  
13 fraud in mind.]

14 **89.** All parties were acting in the course and scope and employ of some California  
15 State and/or Federal agencies which had plaintiff on some "watch list" -or the like-  
16 and that their conduct in collectively depriving and interfering with the civil rights of  
17 the plaintiff in similar patterns of abusive behavior; threatening, intimidating and  
18 coercing in various manners which included and continue to include: a.) False  
19 imprisonment, such as detention and handcuffing and prolonged unlawful  
20 interrogations and illegal seizures and searches, and countless attempts to interfere  
21 with the plaintiff's freedom of movement, travel and right to privacy; in his person, in  
22 his communications, in his mind, in his very being, b.) The willfully intentional and  
23 reckless infliction of psychological terrorism and spiritual torture which have caused  
24 the plaintiff extreme emotional distress, anguish and mind numbing, nearly  
25 physically paralyzing mental suffering, through illegal means such as stalking,  
26 myriad invasions of privacy, illegal surveillance of communications and movements  
27 and staking-out the plaintiff- causing extreme strain to- even the cessation of-  
28 relationships with friends and family members and places of abode, as well as, c.)  
Gross professional, personal and civil rights negligence in the performance of their

1 oppression on the plaintiff in total disregard for the plaintiff's safety, economic,  
2 residential and mental well-being and his Constitutionally (both the United States of  
3 America and the State of California) guaranteed civil rights as enumerated above.

4 90. **ALL Defendants** are co-conspirator, intent upon, or joining in harassing the  
5 Plaintiff, never stating any probable cause for their progressively abusive behavior,  
6 duped, coerced, manipulated &/or in retaliation for Plaintiff exercising his First  
7 Amendment right to free speech (under duress and threats) meant with malice,  
8 oppression and/or fraud to interfere, to intimidate, to coerce and to oppress.

9 91. Upon information and belief Plaintiff alleges that these illegal acts, as evident  
10 in incidents of 10/14/2011, 11/02/2011, 12/10/2012, 1/31/2012, 3/24/2011, ante,  
11 among others were actually undertaken as a direct result of the premeditated  
12 decisions of some or **All Defendants**, particularly the **Supervisory Defendants**,  
13 (See Cause #2 *ante*, (p.18-20)) but ultimately condoned and enjoined by all herein  
14 named Defendants. Despite the absence of any particularized evidence that would  
15 have constituted probable cause or even reasonable suspicion to believe Plaintiff had  
16 committed a crime, All Defendants continued/continue to abuse Plaintiff and violate  
17 his civil rights.

18 **Illegal Detention, Unlawful Searches & Seizures, etc.**

19 92. Throughout his adult life, Plaintiff has been a strong and vocal advocate for  
20 the various Constitutional rights of all people, often taking positions contrary to those  
21 of the government of the United States and sometimes that of the State of California.  
22 Plaintiff has advocated political views that have been and continue to be contrary to  
23 positions taken by the United States Government under the Bush administration,  
24 and the near fascist policies of San Diego and its self-anointed elites-- on various  
25 political issues, especially with regard to electronic voting, electoral fraud and stolen  
26 votes, economic inequality, bankster fraud, etc. There seems to have been some  
27 controversy concerning these issues in San Diego as well. Plaintiff has also lawfully  
28 associated with individuals and/or organizations that espouse positions on various

1 political issues that were and/or are still contrary to those taken by the United States  
2 Government, the State of California &/or the City, SDPD, etc.

3 93. Plaintiff alleges that **ALL Supervisors** of the various Defendants, as  
4 mentioned herein, Cause #2 *ante*, (p.18-20), had established habits, practices,  
5 customs and policies of- and had knowledge of the dangerous propensities of its police  
6 officers, were negligent in hiring, employing, training, evaluating and disciplining of  
7 its police officers, and had, for all relevant times herein, an established habit,  
8 pattern, practice, custom and/or policy of negligence in authorizing and ratifying the  
9 continued practice of violence, illegal detention and abuse of many Constitutional  
10 rights of U.S. citizens, including this Plaintiff, all in violation of numerous civil  
11 rights.

12 94. Plaintiff is informed and believes and therefore alleges that at all times  
13 mentioned herein, each of the Defendants were the agents, servants and/or  
14 employees of each of the remaining Defendants, and that in doing the acts alleged  
15 herein, all parties were acting in the course and scope and employ of some California  
16 State and/or Federal agency, employment, partnership, or other business  
17 relationship, with the consent or the ratification of each other regarding the acts  
18 alleged herein.

19 95. Plaintiff alleges, is informed and believes the Defendants had or found the  
20 Plaintiff on a/some "watch list(s)" and/or a like manner or network or database of  
21 labeling/targeting the Plaintiff for surveillance, which resulted in a propensity for all  
22 involved to feel more and more at liberty to deprive, interfere with and oppressively  
23 violate the Plaintiff's Constitutionally guaranteed rights. Such continuous actions  
24 have created a state of cruel existence for the Plaintiff, which is the proximate cause  
25 of much pain, suffering, trauma, mental and emotional distress, regarding the  
26 detention of the Plaintiffs and his constant 24/7/365 days a year surveillance,  
27 sometimes periodic detention, and search and seizure of both his body and all of his  
28 possessions in circumstances, where no warrants had been obtained and no criminal  
charges have ever been filed.



1 96. Plaintiff continues to sustain injuries that include, but are not limited to, loss  
 2 of sleep, loss of enjoyment of daily activities, fear of traveling out of his home,  
 3 humiliation, embarrassment and extreme mental and emotional anxiety- to such an  
 4 extent that he is in fear of trying to re-educate, re-employ or otherwise gain a viable  
 5 livelihood, and re-integrate himself into society. Plaintiff has and still is suffering  
 6 severe anxiety, fear, humiliation and emotional distress as a result of the acts of the  
 7 officers and having to spend (waste) years of his life locked in a mere defense of his  
 8 actual life, and cruel existence against the false charges, illegal harassment and  
 9 surveillance, unlawful searches and seizures, myriad invasions of privacy,  
 10 negligence, and negligent and intentional inflictions of physical, mental and  
 11 emotional distress, malicious prosecution, and false arrests, citations, prolonged  
 12 detentions, etc.

13 97. Plaintiff's life has been severely curtailed, he seldom travels, but when he  
 14 does, he knows he will always be detained and/or monitored relentlessly and  
 15 subjected to constant invasions of his privacy, searches, even curtailment of his  
 16 movements, perhaps even his person and property. Again.

17 **V. FIRST CAUSE: 42 U.S.C. § 1983, Civil Rights Violations: Unlawful**  
 18 ***Search & Seizure, Excessive Force, Retaliation, Violation of Rights to Privacy,***  
 19 ***Freedom & CA Penal Code §§ 630-633***

20 98. Plaintiff realleges and incorporates by reference each and every allegation  
 21 contained above, as though fully set forth herein.

22 99. By the acts alleged above, ALL Defendants were involved in various unlawful  
 23 proceedings, as evident in incidents of 10/14/2011, 11/02/2011, 12/10/2012,  
 24 1/31/2012, 3/24/2011, ante, among others, and all of their Supervisors responsible  
 25 for the hiring, training, evaluation and disciplining of the officers on site, (*Post*, Cause  
 26 #2, p.18-20) were acting under the color of the law. Further, Plaintiff was  
 27 unlawfully detained, cited and arrested and his body and possessions unlawfully  
 28 seized and searched without a warrant or any probable cause whatsoever. All  
 Defendants created a "special relationship" with the Plaintiff primarily on concocted  
 and false grounds, and then aggressively and unlawfully pursued abusing the



1 Plaintiff, both negligently and with intentional malice, interference, cruelty and  
2 oppression in mind. The Defendants acted in outrageous manner and with excessive  
3 force in their totally malicious and reckless disregard of the rights, safety and peace  
4 of mind of the Plaintiff. As a proximate cause/result of the Defendants' myriad  
5 unlawful actions, the Plaintiff has suffered, and continues to suffer, great damages,  
6 much mental anguish, and physical and emotional distress, and many other injuries  
7 as alleged herein, therefore the Plaintiff is entitled to damages pursuant to *Title 42*  
8 *U.S.C. § 1983*, et seq. in an amount to be proven at trial.

9 100. Plaintiff has suffered violations of his constitutional rights guaranteed by the  
10 First (1<sup>st</sup>) Amendment, Fourth (4<sup>th</sup>) Amendment, Fifth (5<sup>th</sup>) Amendment, Sixth (6<sup>th</sup>)  
11 Amendment, Eighth (8<sup>th</sup>) Amendment, Ninth (9<sup>th</sup>) Amendment and the Fourteenth  
12 (14<sup>th</sup>) Amendment, as well as Article Four (4) of the United States Constitution -the  
13 rights to freedom of speech, protection from unlawful searches and seizures,  
14 unreasonable and/or excessive force, due process and equal protection of the law, the  
15 right to counsel and to be free from false arrest and cruel and/or unusual punishment,  
16 the right to privacy and liberty and equal protection of the law, as well as the right to  
17 "freedom of movement" and travel.

18 101. The Plaintiff has the Fourth (4<sup>th</sup>) Amendment right to defend his body, his  
19 mental well being and his possessions from assault and battery, and to be free from  
20 unlawful and warrantless searches and seizures of his person and possessions. The  
21 Defendants as described herein, used unreasonable, unjustified and excessive force,  
22 which constituted an unreasonable and unlawful seizure when they assaulted and  
23 battered the Plaintiff. Defendants did unreasonably and unlawfully use excessive  
24 force when they seized and searched both the Plaintiff and his property, negligently,  
25 and with intentional malice, oppression, fraud and coercive assault in mind, and did  
26 so intimidate, coerce, threaten and assault and battery the Plaintiff.

27 102. Plaintiff alleges that the said negligent and intentional conduct involving  
28 threats, intimidation and coercion, was in retaliation and violation of Plaintiff's  
Constitutional rights to privacy, liberty and freedom of expression as afforded

1 Plaintiff by the U.S. Constitution's Ninth (9<sup>th</sup>) Amendment, and First (1<sup>st</sup>)  
2 Amendment rights of freedom of speech, the right to peaceably assemble in protest  
3 and/ or to join political parties or organizations which rally against positions contrary  
4 to that of the U.S. government's, and to petition via the internet or e-mail or any  
5 other forms of modern communication against like impositions.

6 103. The Eight (8<sup>th</sup>) Amendment prohibits "cruel and unusual punishment" which  
7 surely this covert, malicious and conspiratorial oppression and violation of Plaintiff's  
8 rights, privacy and movements, wherever and whenever he moves, qualify as such.  
9 By further forcing the Plaintiff to suffer the indignities of having to defend himself  
10 against the bogus citations, searches, seizures, detentions, arrests and assaults and  
11 battery, Plaintiff has also suffered malicious prosecution at the hands of the San  
12 Diego system of "justice".

13 104. Article Four (4) of the Constitution itself articulates the limits of the States'  
14 power, specifically laying down the legal basis for "freedom of movement" and travel  
15 within and between all States in the Union for all citizens of the United States,  
16 without oppression, a right which the terrorized, constantly monitored Plaintiff  
17 hasn't enjoyed in years, certainly not in the County of San Diego. Article Four (4), as  
18 well as the Ninth (9<sup>th</sup>) Amendment also provide such that the Plaintiff has a  
19 "reasonable expectation of privacy and/or solitude", even when out in public, lawfully  
20 participating and contributing to society without disturbing or violating the rights of  
21 other U.S. citizens.

22 105. As a proximate result of the acts alleged above, Plaintiff was injured in mind  
23 and in body. Plaintiff has and is still incurring substantial economic losses,  
24 including being in fear of leaving his home, and searching for residence, continued  
25 education and/or livelihood in an environment of such malevolent interference,  
26 intentional malice, and oppression, all the while being harassed and stalked,  
27 monitored and surveilled while trying to re-educate himself. As a proximate  
28 cause/result of the Defendants' myriad unlawful actions set herein, including but not  
limited to the abusive attitude of the Defendants' monitoring, stalking and staking

1 out Plaintiff, the Plaintiff has suffered, and continues to suffer, great damages, much  
 2 mental anguish, and physical and emotional distress, such as fear, anxiety and  
 3 humiliation, to list but a few, and many other injuries as alleged herein, therefore the  
 4 Plaintiff is entitled to damages pursuant to *Title 42 U.S.C. § 1983*, et seq. in an  
 5 amount to be proven at trial.

6 106. Plaintiff is informed and believes, and thereon alleges, the Defendants, and  
 7 each of them, acting under the color of law, had a duty of care and were responsible  
 8 for his safety and protection, and thus required to adhere to lawful due process and  
 9 equal protection under the law. In fact the Defendants, each and every one of them,  
 10 all supervisors inclusive, had a "special relationship" with the Plaintiff, which  
 11 required them to protect his life, liberty and property with due process and equal  
 12 protection, instead of outrageously abusing him and depriving him of his most basic  
 13 Constitutional rights.

14 107. In committing the intentional, extreme and unlawful acts alleged above, the  
 15 Defendants, and each of them, under the color of law, conspired against him, acted so  
 16 outrageously and maliciously toward the Plaintiff, with fraud and/or oppression in  
 17 mind, that they were guilty of wanton and reckless disregard for the rights, feelings,  
 18 property, safety and emotional state of the Plaintiff and actually and proximately  
 19 caused the Plaintiff to suffer severe humiliation, mental anguish and emotional and  
 20 physical distress. Therefore, Plaintiff is entitled to costs, *legal fees, injunctive*  
 21 *relief, exemplary & punitive damages* in an amount to be proven at trial.

22 **VI. SECOND CAUSE: 42 U.S.C. Sec. 1983, UNLAWFUL POLICIES,  
 23 CUSTOMS OR HABITS**

24 108. Plaintiff realleges and incorporates by reference each and every allegation  
 25 contained above, as if fully set forth herein.

26 109. Plaintiff alleges on information and belief that SDPD Officers involved in  
 27 incidents of 10/14/2011, 11/02/2011, 12/10/2012, 1/31/2012, 3/24/2011, ante,  
 28 among others, and were individuals acting within the course and scope of their  
 employment with Supervisor Defendants the City, SDPD, SDPD-Chief Lansdowne,  
 Mayor, C.A. Goldsmith, various IC/MIC Conspirators, SD-Sheriffs & Gore and Does

1 #1-20,000, and are all guilty of this cause, and were acting under the color of law.  
2 Said Supervisors are responsible for review and responding to claims, complaints and  
3 lawsuits, written or otherwise, for all times mentioned herein. Plaintiff alleges on  
4 information and belief that said Supervisors in charge of legal matters, reviews and  
5 responding to claims, have unlawful policies, customs and habits of improper and  
6 inadequate hiring, training, retention, discipline and supervision of its police officers,  
7 including all of the Defendants mentioned herein, legally causing the constitutional  
8 deprivations, injuries and damages alleged in the First Cause of Action.

9 Accordingly all of the above Defendants are liable in their capacities as supervisors.

10 110. Further, each and every one of the *Defendants* had the opportunity and the  
11 obligation to intervene and stop the improper, malicious and illegal acts alleged  
12 above, but did not do so. In fact they all cooperated and conspired in the illegal  
13 detention. Each of the Defendants is therefore liable as well for failing to stop or  
14 prevent or intervene in the Constitutional civil violations against Plaintiff as  
15 enumerated herein. As a proximate result, Plaintiff has suffered, and continues to  
16 suffer, great damages, much mental anguish, and physical and emotional distress,  
17 therefore the Plaintiff is entitled to damages pursuant to *Title 42 U.S.C. § 1983*, et  
18 seq. in an amount to be proven at trial.

19 111. Furthermore, Plaintiff on information and belief alleges that said Supervisors  
20 have unlawful policies, customs and habits of condoning and permitting false  
21 "attitude arrests", which are arrests made in retaliation for lawful exercise of First  
22 (1st) Amendment rights to Freedom of Speech and/or defense of other U.S. and/or  
23 California Constitutional rights and then filing false reports to cover up the unlawful  
24 acts of their police officers, including each and all of them named herein.

25 112. Plaintiff is informed and believes, and thereon alleges, the Defendants, and  
26 each of them, acting under the color of law, were responsible for his safety and  
27 protection, required to adhere to lawful due process and equal protection under the  
28 law. In fact the Defendants, each and every one of them, all supervisors inclusive,  
had a "special relationship" with the Plaintiff, and a duty of care, which required

1 them to protect his life, liberty and property with due process and equal protection,  
2 instead of outrageously abusing him and depriving him of his most basic U.S. citizen  
3 rights. As a proximate result of the unlawful policies, customs and habits alleged  
4 above, and the constitutional violations alleged in the First Cause of Action, the  
5 Plaintiff has suffered the injuries and damages alleged herein and is entitled to  
6 general and compensatory damages in an amount to be proven at trial. Plaintiff also  
7 continues to suffer great damages, emotional and physical distress, humiliation,  
8 embarrassment and mental anguish, and many other injuries as alleged herein, and  
9 as a result, the Plaintiff is entitled to *costs, legal fees, injunctive relief,*  
10 *exemplary* and *punitive damages* pursuant to *Title 42 U.S.C. § 1983*, in an  
11 amount to be determined at trial.

12 **VII. THIRD CAUSE: NEGLIGENCE**

13 113. Plaintiff realleges and incorporates by reference each and every allegation  
14 contained above as if fully set forth herein.

15 114. By the acts alleged above, as evident in incidents of 10/14/2011, 11/02/2011,  
16 12/10/2012, 1/31/2012, 3/24/2011, ante, among others, **ALL Defendants** were  
17 involved in the various illegal proceedings and oppression of Plaintiff, were negligent  
18 &/or willful blindness, and breached their duty of due care owed to the Plaintiff,  
19 thereby causing the damages and physical and emotional distress, both negligently  
20 and intentionally inflicted, upon the Plaintiff, as will be enumerated and proven in  
21 trial.

22 115. **ALL Supervisors** of the various Defendants, as mentioned herein, Cause #2  
23 *ante*, (p.18-20), had an established habit, practice, custom and policy of negligence,  
24 &/or willful blindness, in authorizing and ratifying the continued practice of excessive  
25 force and abuse of detained citizens for minor or non existent infractions, and other  
26 abuses.

27 116. As a proximate result of the Defendants' myriad unlawful actions set herein,  
28 the Plaintiff has suffered, and continues to suffer, great damages, much mental  
anguish, and physical and emotional distress, humiliation and embarrassment and



1 many other injuries as alleged herein, therefore the Plaintiff is entitled to general,  
2 special and/or compensatory damages in an amount to be proven at trial.

3 **VIII. FOURTH CAUSE: ASSUALT**

4 117. Plaintiff realleges and incorporates by reference each and every allegation  
5 contained above, as though fully set forth herein.

6 118. Defendants City, SDPD, SDPD Officers Does #1-200, SDPD-Chief  
7 Lansdowne, Mayor, various IC/MIC Conspirators, and Does #1-20,000 are all guilty  
8 of this cause, and were acting under the color of law.

9 119. Plaintiff alleges that the Defendants, and each of them, intended, particularly  
10 through the act of excessive force alleged herein, to cause harmful and/or offensive  
11 contact and intended the Plaintiff to be in imminent apprehension of harmful and/or  
12 offensive acts through various means as alleged above, among others, and were  
13 instituted with no probable cause or reasonable suspicion other than to intentionally,  
14 outrageously and maliciously offend, intimidate, oppress, coerce and abuse the  
15 "special relationship" the law enforcement officers and various other co-conspirators  
16 had over the Plaintiff, as a proximate result of which the Plaintiff suffered much fear  
17 and apprehension. All such acts were premeditated. Plaintiff further alleges the  
18 conduct of the Defendants put the Plaintiff in imminent apprehension as a result,  
19 which culminated in an assault upon the Plaintiff. As a proximate result of these  
20 intentional and abusive acts the Plaintiff suffered much physical and emotional  
21 distress, great damages, much mental anguish, humiliation and embarrassment and  
22 many other injuries as alleged herein, entitling him to damages in an amount to be  
23 proven in trial.

24 120. In committing the intentional, extreme and unlawful acts alleged above, the  
25 Defendants, and each of them, acted so outrageously and maliciously toward the  
26 Plaintiff, with fraud and/or oppression in mind, that they were guilty of wanton and  
27 reckless disregard for the rights, feelings and emotional state of the Plaintiff and  
28 actually and/or proximately caused the Plaintiff to suffer severe humiliation, mental



1 anguish and emotional and physical distress. By reason thereof the Plaintiff is  
2 entitled to exemplary and punitive damages in an amount to be proven at trial.

3 **IX. FIFTH CAUSE: BATTERY**

4 121. Plaintiff realleges and incorporates by reference each and every allegation  
5 contained above, as though fully set forth herein.

6 122. Plaintiff alleges that Defendants City, SDPD, SDPD Officers, SDPD Does  
7 #1-200, SDPD-Chief Lansdowne, and Does #1-20,000 are all guilty of this cause, and  
8 were acting under the color of law, each of them, whether, a.) As officers under the  
9 color of law, or b.) As employers and/or supervisors with their respective supervisory  
10 or employment relationships to the officers, as named in the Second and Third  
11 Causes of Action, also under the color of law, and each of them, are responsible for the  
12 acts complained of herein either directly or through vicarious liability, and as  
13 Defendants, the officers, and each of them, were the ostensible agents and/or  
14 employees of the aforementioned supervisors and employers.

15 123. Plaintiff alleges, as above, that the intentional unlawful, harmful, offensive  
16 and unconsented contact with his person by Defendants, and each of them, through  
17 the physical manhandling, which was outrageous and beyond the standards of what  
18 any reasonable person or law enforcement officer would deem necessary, in  
19 retaliation for Plaintiff exercising his First Amendment right to freedom of speech,  
20 and so on, which constituted a battery. Such unlawful battery, trespass and impact  
21 to the body of the Plaintiff, physically and with weapons and restraining devices,  
22 actually and/or proximately caused Plaintiff to suffer great mental and emotional  
23 distress, entitling the Plaintiff to damages pursuant to California law.

24 124. In committing the intentional, extreme and unlawful acts alleged above, the  
25 Defendants, and each of them, acted so outrageously and maliciously toward the  
26 Plaintiff, with fraud and/or oppression in mind, that they were guilty of wanton and  
27 reckless disregard for the rights, feelings and emotional state of the Plaintiff and  
28 actually and proximately caused the Plaintiff to suffer severe humiliation, mental

1 anguish and emotional and physical distress. By reason thereof the Plaintiff is  
2 entitled to exemplary and punitive damages in an amount to be proven at trial.

3 **X. SIXTH CAUSE: FALSE ARREST/ DETENTION--UNDUE DELAY**

4 125. Plaintiff realleges and incorporates by reference each and every allegation  
5 contained above, as though fully set forth herein.

6 126. Plaintiff alleges that Defendants City, SDPD, SDPD Officers Does #1-200,  
7 SDPD-Chief Lansdowne, Mayor, C.A. Goldsmith, various IC/MIC Conspirators,  
8 SD-Sheriffs & Gore and Does #1-20,000 are all guilty of this cause, and were acting  
9 under the color of law, and each of them, whether, a.) As officers under the color of  
10 law, or b.) As employers and/or supervisors with their respective supervisory or  
11 employment relationships to the officers, as named in the Second and Third Causes of  
12 Action, also under the color of law, and each of them, are responsible for the acts  
13 complained of herein either directly or through vicarious liability, and as Defendants,  
14 the officers, and each of them, were the ostensible agents and/or employees of the  
15 aforementioned supervisors and employers.

16 127. Defendants falsely detained, arrested, &/or unnecessarily delayed releasing  
17 Plaintiff in retaliation for his exercising his First Amendment right to freedom of  
18 speech, prolonged detention thus effecting a false arrest of the Plaintiff, entitling the  
19 Plaintiff to damages pursuant to California law. At no time did the Defendants  
20 mention any specific, legal and articulable suspicion of the Plaintiff being involved in,  
21 having perpetrated or intending to commit any crime which necessitated his  
22 prolonged detention, arrest, &/or unnecessarily delay in releasing him.

23 128. In committing the intentional, extreme and unlawful acts alleged above, the  
24 Defendants, and each of them, acted so outrageously and maliciously toward the  
25 Plaintiff, with fraud and/or oppression in mind, that they were guilty of wanton and  
26 reckless disregard for the rights, feelings and emotional state of the Plaintiff and  
27 actually and proximately caused the Plaintiff to suffer severe humiliation, mental  
28 anguish and emotional and physical distress. By reason thereof the Plaintiff is  
entitled to exemplary and punitive damages in an amount to be proven at trial.

1           **XI. SEVENTH CAUSE: NEGLIGENT AND/OR INTENTIONAL**  
2                                   **INFLICTION OF EMOTIONAL DISTRESS,**

3       **129.** *"... even just to freely move about without the threat of harassing police*  
4 *presence and obstruction. Plaintiff's very existence has been reduced to the life of one*  
5 *silently and covertly shunned, harassed, mercilessly intimidated and coerced into his*  
6 *own private Guantanamo. That era is over." "... attempt to harm the Plaintiff's life*  
7 *and well-being with the intent of malice and oppression, and in reckless disregard of*  
8 *Plaintiff's rights, safety, health and sheer torturous mental duress."* [From 2008  
9 Complaint, with Conclusive Video Evidence, yet Un-Constitutionally ignored by  
10 Judge Bloom; SD/CA Superior Court, CA Court of Appeals, and U.S. Supreme Court.]

11       **130.** Plaintiff realleges and incorporates by reference each and every allegation  
12 contained above, as though fully set forth herein, particularly as evident in incidents  
13 of 10/14/2011, 11/02/2011, 12/10/2012, 1/31/2012, 3/24/2011, ante, among  
14 others.

15       **131.** Plaintiff alleges that **ALL Defendants**, each of them, whether, a.) As officers  
16 under the color of law, or b.) As employers and/or supervisors with their respective  
17 supervisory or employment relationships to the officers, as named in the Second and  
18 Third Causes of Action, also under the color of law, and each of them, are responsible  
19 for the acts complained of herein either directly or through vicarious liability, and as  
20 Defendants, the officers, and each of them, were the ostensible agents and/or  
21 employees of the aforementioned supervisors and employers.

22       **132.** Plaintiff alleges by the acts alleged herein, the Defendants acted  
23 intentionally, and/or engaged in negligent conduct and/or a willful violation of U.S.  
24 and California Constitutional rights, laws and/or statutes, using malicious and  
25 reckless acts of unjustified excessive force, outrageous conduct, false arrest, false and  
26 malicious prosecution, unlawful search and seizure and multiple due process and  
27 equal protection violations, and that the intentional conduct by the Defendants, in  
28 public, following a long-standing and omnipresent pattern of constitutional abuse of  
civil rights of the Plaintiff, was meant to offend and cause outrageous harm to the  
Plaintiff, and each of them, as described herein, was of a nature that exceeds the

1 bounds of what is generally tolerated in a civilized society, and was done with  
 2 intentional malice and/or negligence, for the purpose of causing the Plaintiff to suffer  
 3 humiliation, mental anguish and physical and emotional distress.

4 133. In committing the extreme and unlawful acts alleged above, the Defendants  
 5 acted intentionally, and/or engaged in negligent conduct and/or a willful violation of  
 6 U.S. and California Constitutional rights, laws and/or statutes, using malicious and  
 7 reckless acts of unjustified excessive force, outrageous conduct, intentional, with  
 8 fraud and/or oppression in mind, that they were guilty of wanton and reckless  
 9 disregard for the rights, feelings and emotional state of the Plaintiff and actually and  
 10 proximately caused the Plaintiff to suffer severe humiliation, mental anguish and  
 11 emotional and physical distress. By reason thereof the Plaintiff is entitled to  
 12 exemplary and punitive damages in an amount to be proven at trial.

13 **XII. EIGHTH CAUSE: CAL. CIVIL CODE, §§ 51 & 52- VIOLATION OF**  
 14 **CIVIL RIGHTS & RESPONDEAT SUPERIOR**

15 134. Plaintiff realleges and incorporates by reference, each and every allegation  
 16 contained above, as though fully set forth herein.

17 135. Plaintiff alleges that ALL Defendants, each of them, whether, a.) As officers  
 18 under the color of law, or b.) As employers and/or supervisors with their respective  
 19 supervisory or employment relationships to the officers, as named in the Second and  
 20 Third Causes of Action, also under the color of law, and each of them, are responsible  
 21 for the acts complained of herein, either directly or through vicarious liability, and as  
 22 Defendants, the officers, and each of them, were the ostensible agents of the  
 23 aforementioned supervisors and employers.

24 136. Pursuant to *California Civil Code*, (hereinafter "*CCC*"), **§§ 51 & 52**,  
 25 particularly, but not limited to **Secs. 51.1(b), 51.7, 52(b) & 52.1**, Plaintiff alleges by  
 26 the acts herein, in incidents of 10/14/2011, 11/02/2011, 12/10/2012, 1/31/2012,  
 27 3/24/2011, ante, among others, the Defendants' wrongful conduct through the acts of  
 28 unjustified, unreasonable and excessive force, false arrest, false and malicious  
 prosecution, unlawful searches and seizures and multiple due process and equal  
 protection violations, because of the Plaintiff's political affiliations, as alleged in

1 herein, the Defendants discriminated against and interfered with, or attempted to  
 2 interfere with the Plaintiff's freedom, and other inalienable rights, including but not  
 3 limited to freedom of movement, defending life and liberty, possessing, and protecting  
 4 one's property, pursuing and obtaining safety, happiness, public access, personal  
 5 solitude and privacy, and the right to be secure in his body and possessions against  
 6 unlawful contact, illegal searches and seizures, and other constitutional rights, as  
 7 guaranteed by the California Constitution (Article I,  $\beta\beta$  1, 2, 3, 7, 13, 17, 24, 28 & 29)  
 8 and the U.S. Constitution, as mentioned in the First Cause of Action, particularly the  
 9 First (1<sup>st</sup>) Amendment, the Fourth (4<sup>th</sup>), Fifth (5<sup>th</sup>), Sixth (6<sup>th</sup>), Eighth (8<sup>th</sup>), Ninth (9),  
 10 Fourteenth (14<sup>th</sup>) Amendments & Art.Four (4) of the Constitution.

11 *137.* Plaintiff further alleges **ALL Supervisors** of the various Defendants, as  
 12 mentioned herein, Cause #2 *ante*, (p.18-20), had an established habit, practice,  
 13 custom and policy of management, training, evaluation and/or disciplining  
 14 relationships to the employee police officers, who were acting within the scope of their  
 15 employment, and are liable for actions and/or omissions of their employees and/or  
 16 agents, pursuant to *CA Gov.Code  $\beta\beta$  815.2 & 820.4*, and the doctrine of *Respondeat*  
 17 *Superior*. (See *Monell v. Department of Social Services (1978) 436 U.S. 658*, with  
 18 *Robinson v. Solano County (2002) 278 F. 3<sup>rd</sup> 1007, etc.*)

19 *138.* These wrongful acts by the Defendants were committed through threats of  
 20 violence and intimidation, and/or the violence of fear, and/or apprehension and/or the  
 21 violence of actual trespass, contact and/or assault and battery, detention and false  
 22 arrest as herein alleged, in particular the retaliatory efforts of the Defendants to  
 23 Quash the Plaintiff's First Amendment rights to free speech through further  
 24 detention and humiliation, threats, intimidation and coercion and/or excessive force  
 25 against the Plaintiff and his Constitutional rights, culminating in an unlawful de  
 26 facto curbside arrest. Therefore, the Plaintiff is entitled to damages pursuant to  
 27 **CCC,  $\beta\beta$  51 & 52**, in the amount of a (**CCC,  $\beta$  52(b)(2)**):

28 *"civil penalty of twenty-five thousand dollars (\$25,000) to be awarded to the person  
 denied any right provided by  $\beta$  51.7 IN ANY ACTION (Emphasis added) brought  
 by the person denied the right" (CCC,  $\beta\beta$  51.7 & 52.1(a)&(b)), to "be assessed*



1 *individually against each person who is determined to have violated this*  
2 *section”, (CCC, β 52(c)) “engaged in conduct of resistance to the full enjoyment of*  
3 *any of the rights” or who, (CCC, β 52(b)) “denies the rights... or aids, incites, or*  
4 *conspires in that denial” so, therefore, “is liable for each and every offense”.*

5 Further the Defendants acted (CCC, β 52.3 (a)&(b)), in a “*pattern or practice of*  
6 *conduct” of “law enforcement officers that deprives any person [Plaintiff] of rights,*  
7 *privileges or immunities.” Furthermore, (CCC, β 52(e)), “Actions brought*  
8 *pursuant to this section are independent of any other actions, remedies, or*  
9 *procedures that may be available to an aggrieved party pursuant to any other law.”*

10 139. Plaintiff's complaint for damages is based on the unlawful acts of the  
11 Defendants, and each of them, particularly, but not exclusively, as alleged in the  
12 paragraphs herein, and above. As a proximate result of these acts the Plaintiff  
13 suffered the damages described herein, suffering much emotional distress,  
14 humiliation and embarrassment and is entitled to damages to be proven at trial,  
15 including *legal costs and fees, treble damages*, etc., as provided by *CCC, ββ 51 &*  
16 *52*, and other available remedies.

17 140. In committing the intentional, extreme and unlawful acts alleged above, the  
18 Defendants, and each of them, acted so outrageously, oppressively and maliciously  
19 toward the Plaintiff, with fraud and/or oppression in mind, that they were guilty of  
20 wanton and reckless disregard for the rights, feelings and emotional state of the  
21 Plaintiff and actually and proximately caused the Plaintiff to suffer severe humilia-  
22 tion, mental anguish and emotional and physical distress. Therefore, Plaintiff is  
23 entitled to *exemplary & punitive damages* in an amount to be proven at trial.

24 **XIII. NINTH CAUSE: CONSPIRACY Under 42 U.S.C. β 1985(3) &/or OTHER:**

25 141. Plaintiff realleges and incorporates by reference, each and every allegation  
26 contained above, as though fully set forth herein.

27 142. Plaintiff alleges that *ALL Defendants*, each of them, were co-conspirators,  
28 whether, a.) As officers under the color of law, or b.) As employers and/or supervisors  
with their respective supervisory or employment relationships to the officers, as  
named in the Second and Third Causes of Action, also under the color of law. Also,  
each of them, are responsible for and guilty of the acts complained of herein, either



1 directly or through vicarious liability, & as Defendants, the officers, and each of them,  
2 were the ostensible agents of the aforementioned supervisors and employers.

3 **XIV. TENTH CAUSE: STALKING, CA Civ. Code  $\beta$  1708; Penal Code  $\beta$  646.9:**  
4 143. Plaintiff realleges and incorporates by reference, each and every allegation  
5 contained above, as though fully set forth herein.

6 144. Plaintiff alleges that ALL Defendants, each of them, whether, a.) As officers  
7 under the color of law, or b.) As employers and/or supervisors with their respective  
8 supervisory or employment relationships to the officers, as named in the Second and  
9 Third Causes of Action, also under the color of law, and each of them, are responsible  
10 for and guilty of the acts complained of herein, either directly or through vicarious  
11 liability, and as Defendants, the officers, and each of them, were the ostensible agents  
12 of the aforementioned supervisors and employers.

13 **XV. ELEVENTH CAUSE: DEFAMATION; CA Civil Code  $\beta\beta$  44-48**

14 145. Plaintiff realleges and incorporates by reference, each and every allegation  
15 contained above, as though fully set forth herein.

16 146. Plaintiff alleges that **ALL Defendants**, each of them, whether, a.) As officers  
17 under the color of law, or b.) As employers and/or supervisors with their respective  
18 supervisory or employment relationships to the officers, as named in the Second and  
19 Third Causes of Action, also under the color of law, and each of them, are responsible  
20 for and guilty of the acts complained of herein, either directly or through vicarious  
21 liability, and as Defendants, the officers, and each of them, were the ostensible agents  
22 of the aforementioned supervisors and employers.

23 147. **ALL Defendants**, through their various actions, committed false  
24 representations, defamation, slander &/or libel on its face, maliciously intent on  
25 causing others to feel hatred, contempt, ridicule, obloquy for Plaintiff, which would  
26 inherently, on its face, cause Plaintiff to be shunned, avoided and otherwise mentally,  
27 emotionally and even physically injured by other 3rd parties.

28 148. In committing the intentional, extreme and unlawful acts alleged above, **All Defendants** acted so outrageously and maliciously toward the Plaintiff, with fraud

1 and/or oppression in mind, that they were guilty of wanton and reckless disregard for  
2 the rights, feelings and emotional state of the Plaintiff and actually and/or  
3 proximately caused the Plaintiff to suffer severe humiliation, mental anguish and  
4 emotional and physical distress. Therefore the Plaintiff is entitled to *exemplary*  
5 *and punitive damages* per *CA Civ. Code § 48* in an amount to be proven at trial.

6 **XVI. TWELFTH CAUSE: INVASION OF PRIVACY Under 42 U.S.C. § 1983 &  
7 CA Penal Code §§ 630-633**

8 149. Plaintiff realleges and incorporates by reference, each and every allegation  
9 contained above, as though fully set forth herein.

10 150. Plaintiff alleges that *ALL Defendants*, each of them, whether, a.) As officers  
11 under the color of law, or b.) As employers and/or supervisors with their respective  
12 supervisory or employment relationships to the officers, as named in the Second and  
13 Third Causes of Action, also under the color of law, and each of them, are responsible  
14 for and guilty of the acts complained of herein, either directly or through vicarious  
15 liability, and as Defendants, the officers, and each of them, were the ostensible agents  
16 of the aforementioned supervisors and employers. *ALL Defendants*, were  
17 co-conspirators, and intentionally and willfully acted to deprive Plaintiff of Due  
18 Process and equal protection of the law.

19 151. As a proximate result, Plaintiff has suffered, and continues to suffer, great  
20 damages, much mental anguish, and physical and emotional distress, therefore the  
21 Plaintiff is entitled to damages pursuant to *Title 42 U.S.C. § 1983*, et seq. in an  
22 amount to be proven at trial.

23 152. In committing the intentional, extreme and unlawful acts alleged above, the  
24 Defendants, and each of them, acted so outrageously and maliciously toward the  
25 Plaintiff, with fraud and/or oppression in mind, that they were guilty of wanton and  
26 reckless disregard for the rights, feelings and emotional state of the Plaintiff and  
27 actually and/or proximately caused the Plaintiff to suffer severe humiliation, mental  
28 anguish and emotional and physical distress. By reason thereof the Plaintiff is

1 entitled to *legal costs and fees, treble damages, exemplary and punitive*  
2 *damages* in an amount to be proven at trial.

3 **PRAYER FOR RELIEF**

4 I pray to a greater justice than these fallible courts have delivered to me to  
5 date. I pray, that I am weak and fallible and so full of faults. I am not strong. I  
6 can't separate your horrible acts from who you are. I can't help but to despise you for  
7 what you do to me... To humanity... To our evaporating chance to progress beyond...  
8 Your myopic world of greed, oppression and fraudulent vain-glory. I pray for the  
9 strength to seek a future of reconciliation and progress... But it is not I who stand in  
10 the way of this mutually beneficial future we can build. I pray we sincerely try.

11 **WHEREFORE**, Plaintiff prays for judgment against the Defendants, and each of  
12 them, as follows:

- 13 1. For compensatory damages, jointly and severally, against Defendants in the  
14 amount of at least \$6,00,000.00, &/or any greater amount to be proven at trial.
- 15 2. For a statutory civil penalty in the sum of \$25,000 per offense, per Defendant  
16 involved, pursuant to *CA Civ.Code §§ 51.7 & 52(b)*.
- 17 3. For exemplary and punitive damages against Defendants in an amount to be  
18 determined by the trier of fact.
- 19 4. For a declaration that Plaintiff cannot be detained, stalked, monitored, GPSed,  
20 wiretapped, give subcutaneous implants, etc., by any Defendant absent  
21 reasonable suspicion, based on particularized and intelligible evidence, that he  
22 has committed or is about to commit a particular crime.
- 23 5. For a preliminary and permanent injunction prohibiting any Defendant from  
24 acting or requesting another law enforcement official to detain, stalk, monitor,  
25 GPS, wiretap, give subcutaneous implants, etc., Plaintiff absent reasonable  
26 suspicion, based on particularized and intelligible evidence, that he has  
27 committed or is about to commit a particular crime.
- 28 6. For pre-judgment and post-judgment interest.
7. For attorney's fees & costs pursuant to *42 U.S.C. §§ 1983, 1985 & 1988*.

1 8. For costs of suit herein incurred.

2 9. For such other and further relief as the Court deems just and proper.

3 ***Plaintiff hereby requests a jury trial in this action.***

4  
5 DATED: January 30, 2013

Respectfully Submitted,

6  
7   
8  
9  
10  
11 John B. KENNEY, In Pro Per

12  
13 **VERIFICATION**

14 I, John B. Kenney, am the Plaintiff in the above-entitled action. I read the  
15 foregoing complaint and know the contents thereof. The statements are all true to  
16 the best of my knowledge, except as to those matters, which are alleged on  
17 information and belief, and as to those matters, I believe them to be true.

18 I declare under penalty of perjury under the laws of the United States & the State  
19 of California that the foregoing is true and correct.

20  
21 DATED: January 30, 2013

Respectfully Submitted,

22  
23  
24  
25  
26  
27  
28   
John B. KENNEY, In Pro Per