

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 THE REVERSE OF THE FORM.)

(a) PLAINTIFFS
Robert - John Foti
Joe Neufeld
Ken Augustine

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF *Martin*
 (EXCEPT IN U.S. PLAINTIFF CASES)

NONE

DEFENDANTS
Officer McHugh of the Federal Protective Services and unknown agents Federal Protective Services US Marshall's Service

PJH

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT *unknown*
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
C 04 2567

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)
(5) PJH

I. 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	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	RANKING/STEV	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agri <input type="checkbox"/> 620 Othe <input type="checkbox"/> 625 Drug of Pi <input type="checkbox"/> 630 Liqu <input type="checkbox"/> 640 R.R. <input type="checkbox"/> 650 Airin <input type="checkbox"/> 660 Occ. Safet <input type="checkbox"/> 690 Othe	<input type="checkbox"/> 710 Fair L Act <input type="checkbox"/> 720 Labor <input type="checkbox"/> 730 Labor & Dis <input type="checkbox"/> 740 Reinv <input type="checkbox"/> 790 Other <input type="checkbox"/> 791 Empl. Secur	ximent ing Rates/etc. road and stions odities/ nge ration Act others Act termination ss to Justice tions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

Plaintiff - will send in a signed copy of cc's asap.

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

6 Municipal Litigation

7 Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

False Arrest - Kidnapping - Civil Rights 1986-1983

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$10,000 at this time

CHECK YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AN "X" IN ONE BOX ONLY)

SAN FRANCISCO/OAKLAND

SAN JOSE

DATE _____ **SIGNATURE OF ATTORNEY OF RECORD** _____

X

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
for the

NORTHERN DISTRICT OF
CALIFORNIA

SAN FRANCISCO, CA

3361862

RECEIVED FROM:
EOTI, ROBERT JOHN
GENERAL DELIVERY
WOODBROOK, CA 94973

Case Number:
3:04CV002367-PJM

F/U/R/O:

Party ID:

Tender Type: CASH
84-886988 \$60.00

Civil Filing-886988

Remarks:

84-518008 \$98.00

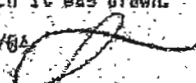
Civil Filing-518008

Remarks:

Subtotal: \$158.00

Receipt Total: \$158.00

* Checks and drafts are accepted
subject to collections and full
credit will only be given when
the check or draft has been
accepted by the financial
institution on which it was drawn.

Date: 6/23/04
Clerk: 

AS

Original

FILED

04 JUN 25 PM 2:56

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

(5)
SS
P

Robert-John:Foti
Sovereign-State-Parties
General Delivery
Woodacre, [94973]
California

Joe Neufeld
General Delivery
Mission San Rafael Station [94902]
California

Ken Augustine
53 Mark Drive
San Rafael [94903]
California

In their own Stead¹

C 04 2567

PJH

UNITED-STATES-DISTRICT-COURT
NORTHERN-DISTRICT OF CALIFORNIA

Robert-John:Foti as to Counts 1-6)	CASE-NO:
Joe Neufeld as to counts 2,4,5,6)	
Ken Augustine as to counts 4,5,6)	
Plaintiffs ² ,)	
v.)	Layman's
)	Complaint on
)	Biven's Action.
)	Conspiracy
Officer McHugh and other unknown)	For False Arrest,
number of unnamed officers of the)	Assault and Battery,
U.S. Marshall's Service and the)	Kidnapping,
Federal Protective Services)	Denial of Due Process,
)	Denial of Fundamental Rights
U.S. Marshall's Service)	
)	Immediate Emergency Hearing
Federal Protective Services)	requesting Injunctive Relief
)	requested before July 9, 2004
(John-Doe: 1-50))	
Respondents.)	Trial by Jury Demanded

¹ I am not an attorney. I should not be held to the same standard as an attorney and does request from this court an honest judgment. I trust any deficiencies and imperfections that may be contained herein will be liberally construed as the law favors form less than substance. This document is prepared without the assistance of counsel and is subject to whatever corrections are found necessary if and when the court so recommends.

² The court said in Pike v. Dickson, 9 Cir. 323 F.2d. 856, at 857: "Chief Judge Sobeloff in United States v. Glass, 4 Cir., 317 F.2d 200, 202 said as follows: 'Where the laymen's papers clearly show what he is driving at, it is usually in the interest of justice and may in the long run save time to temper the reading of the papers with a measure of tolerance.' This court has applied the same rule of construction of a layman's pleadings

JURISDICTION

1. This Court has original jurisdiction of the case by virtue of U. S. C. Title 28, Section 1331. This Court has original jurisdiction of the case by virtue of U. S. C. Title 28, Section 1332. The case arises under the First, Fourth, Fifth, Ninth, Thirteenth and Fourteenth Amendments of the Constitution of the United States of America. See also *Bivens v 6 Unknown Narcotics Agents*, 403 U.S. 388. The

Individual officers are sued in their individual capacity.

2. This Court also has original jurisdiction of the case by virtue of U. S. C. Title 28, Section 1343. Plaintiff seeks injunctive relief in redress of rights by U. S. C. Title 42, Section 1986 for violations of Title 42, Section 1983. U.S. Marshall's Service and the Federal Protective Services acting under State law (demanding State I.D.), in a State (California), demanding people have a State issued photo I.D. are acting under color of State Law. This court has pendent jurisdiction for any State law claims.

3. The court has a duty as to complaints, "... a complaint should not be dismissed merely because a plaintiff's allegations do not support the particular legal theory he advances, for the court is under a duty to examine the complaint to determine if the allegations provide for relief on any possible theory." [478 U.S. 186, 202] *Bramlet v. Wilson*, 495 F.2d 714, 716 (CA8 1974); see *Parr v. Great Lakes Express Co.*, 484 F.2d 767, 773 (CA7 1973); *Due v. Tallahassee Theaters, Inc.*, 333 F.2d 630, 631 (CA5 1964); *United States v. Howell*, 318 F.2d 162, 166 (CAL9 1963); 5 C. Wright & A. Miller, *Federal Practice and Procedure* 1357,

in *Thomas v. Teets*, 9 Cir. 205 F.2d 236, 238. Note 1" Note 1: "Thomas' application being drawn by an inexperienced layman is to be construed to give its allegations effect, though inartfully drawn. *Darr v. Burford*, 339 U.S. 200, 203, 70 S.Ct. 587, 94 L.Ed. 761; *Price v. Johnston*, 334 U.S. 266, 292, 68 S.Ct. 1049, 92 L.Ed. 1356'" 370 F.2d. at 40 (1966)

pp. 601-602 (1969); see also *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). *Bowers v Hardwick*, 478 US 186 (1986) Blackmun, Brennan, Marshall and Stevens, dissenting. [Emphasis mine]

Explanation of the case

4. Paragraphs 1-3 are incorporated herein as though fully set out herein.

5. On May 21, 2004, at approximately 20 minutes before 9:00a.m. Joe Neufeld and I showed up for a court hearing in case No. C-00-4783SI at the Federal Courthouse on 450 Golden Gate Avenue in San Francisco. I am prosecuting a case there. Joe Neufeld was going to observe my pre-trial proceedings. Ken Augustine, who was also there to observe my pre-trial proceedings, arrived right after Joe and I walked past the Marshall demanding Identification.

6. We walked in and when confronted with the demand to produce State issued picture identification, we responded that we possessed no such identification. We placed belongings on the conveyer belt of the x-ray machine and proceeded through the metal detector. We set off no alarms and nothing dangerous was detected by x-ray. We had requested an Administrative Hearing on this matter with the U.S. Marshall's Service explaining the situation; they received immediately by Fax and by mail on May 10, 2004. See Exhibit A attached hereto and made a part hereof by this reference. We received no reply to the letter. In good faith, we gave them an opportunity to avoid this very incident in an effort to mitigate damages. We didn't expect this answer in this form of force and despotism. But, it seems that, more and more, this exemplifies the way our public servants answer their master's legitimate grievances.

7. The Marshals present started yelling at us to step back³. I did not comply because I had the right to be where I was⁴. I consider the demand to produce a State issued ID to be unlawful for the reasons following. First, I know of no law that compels having a State issued picture ID in the State of California or anywhere in America for that matter, nor do I know of any Federal law that requires having a picture ID, especially to merely gain access to a public building here in America. Federal officers cannot surreptitiously create or enforce a non-existent requirement to have a State issued ID when no underlying law requires such. The executive branch of government has no law making authority. If the Marshals can punish someone for not having ID by refusing their entry into the public buildings and courts, it is the same as compelling someone to have ID, and constitutes defacto law enforcement of something not required by law. Second, I know of no authorization for federal officers to even ask for a State issued picture ID and know of no requirement to show them one to enter a public courthouse in which I am prosecuting a case, even if I had it. State IDs are outside the Federal venue and authority. Third, any requirement that the people cannot anonymously⁵ attend and observe court, at will, in order to monitor our servant's acts in furtherance of the

³ A restriction of their "liberty of movement," constituted an arrest. *Henry v. United States*, 361 U.S. 98, 103, 80 S.Ct. 168, 4 L.Ed.2d 134 (1959)

⁴ "It is said to be the right of the citizen of this great country, protected by implied guarantees of its Constitution, "to come to the seat of government to assert any claim he may have upon that government, to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has the right of free access to its seaports, through which all operations of foreign commerce are conducted, to the sub-treasuries, land offices, and courts of justices in the several states. . . . The rights to peaceably assemble and petition for redress of grievances, the privilege of the writ of habeas corpus, are rights of the citizen guaranteed by the federal Constitution." *Crandall v Nevada*, 6 Wallace 35 or 73 US 35 (1868) [Emphasis added]

Due Process protects the right of access to the courts, *TENNESSEE v. LANE et al*, certiorari to the United States court of appeals for the sixth circuit No. 02-1667. Argued January 13, 2004—Decided May 17, 2004.

⁵ A federal witness has a right to anonymity.

people's business, would certainly chill the right to monitor government if not eventually give the government the ability destroy it completely by knowing who is apt to monitor them and then, in turn, persecute them and/or deny them access. In fact, this has already happened. Joe Neufeld and Ken Augustine present as observers wishing to view my action as witnesses of any wrongdoing, if wrongdoing occurred, were refused entry on the day in question for not having ID. Witnesses are favorable in case redress of grievances must be instituted to remedy a wrong committed by a judge and is a basic tenet of the right to association⁶. Basic Constitutional guarantees like the right of access to the courts, as are here at issue, are infringements of which are subject to heightened judicial scrutiny. See, e.g., Dunn v. Blumstein, 405 U.S. 330, 336-337. There is an x-ray machine at the entrance, which scans any possessions, and there is a metal detector in which you have to be magnetically naked in order to pass through without raising alarm. Asking for a State issued picture ID is superfluous. It is no more than officials forcing people to think that an ID is required by implied force of an apparent authority of government placed officials asking for it. They are cloaked with officialdom. They act like they are making a lawful demand. Very few will question it. In this setting, it is coercive. It leads to tyranny under cloak of officialdom. It may be said, like the defendants allude to, 9:11 and terrorism is the reason for heightened

⁶ The First Amendment provides, "Congress shall make no law * * * abridging * * * the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." From these words, the United States Supreme Court has recognized a right of association. *Roberts v. United States Jaycees* (1984), 468 U.S. 609, 617-618, 104 S. Ct. 3244, 3249, 82 L. Ed. 2d 462, 471. This right of association encompasses two distinct types of freedoms.

The second type of freedom is the right to associate for the purpose of engaging in expressive activity protected by the First Amendment. *Stanglin*, [425] 490 U.S. at 24, 109 S. Ct. at 1595, 104 L. Ed. 2d at 25. This includes rights of free speech, assembly, petition for the redress of grievances, and the exercise of religion. *Id.*

security. But, the road to Tyranny is paved with good intentions. It is especially egregious for this reason. The good sought in unconstitutional legislation [or rule making] is an insidious feature, because it leads citizens and legislators of good purpose to promote it, without thought of the serious breach it will make in the ark of our covenant, or the harm which will come from breaking down recognized standards. Cite omitted. It seems to be a play right out of Hitler's regime playbook; Tell a lie long enough and it becomes the truth. Are we under the Napoleonic Code of Law were you're a terrorist until you prove you are not; presumed guilty until you prove yourself innocent? Fourth, One has in every facet of ones life the Right to be anonymous⁷. It denies the Right to be anonymous if he continually had to answer to, "Who are you?"

8. At some point, the Marshals present, whose number and identities are unknown to me at this time, called in and acted in concert with the Federal Protective Services to enforce their orders⁸. Sergeant McHugh, along with an unknown number of other officers from the Federal Protective Services whose identities are, at present, unknown to me, stated I disobeyed an official order and ordered me to leave. When pressed for the supposed order that I disobeyed, Sergeant McHugh admitted that it was the order to produce State issued picture ID. From a previous

⁷ The enumeration in the Constitution, of certain Rights, shall not be construed to deny or disparage others retained by the People. Ninth Article of Amendment to the Constitution for the United States of America. The individual may stand upon his Constitutional Rights as a Citizen. He is entitled to carry on his private business in his own way... He owes no duty to the State or to his neighbors to divulge his business, - He owes nothing to the public so long as he does not trespass upon their rights. *Hale v Henkel*, 201 US 43, 74-75.

⁸ In *McAlmond v. Trippel*, 93 Cal. App. 584, 269 P. 937, it was held (quoting from the syllabus): "In an action for false imprisonment and malicious arrest, the allegations of plaintiff's complaint that several defendants, without process or commitment or legal authority of any kind whatsoever, arrested and imprisoned the plaintiff were sufficient, without alleging a conspiracy to arrest the plaintiff, or the definite part each defendant performed. See, also, *Burton v Brennan*, 332 Mo. 512, 58 S.W.2d 740. *Kaufman v Brown*, 209 P.2d 156.

encounter with Sergeant McHugh, he stated he knew of no law requiring possession of a state issued picture ID. He made the statement on said previous encounter, and, again, on May 21, he said that it was some rule or regulation from the Department of Homeland Security that required the Marshall's requirement to see an ID, issued by the State with a picture on it, not any law. Nor could there be such a law, here in America, unless the foundational law of this Nation has been altered fundamentally. The icing on the cake is this: At the end of the incident, after I told him I was going to sue him, I asked Officer McHugh why did he come and do the Marshall's dirty work when they called, why did not the Marshals do what the protective services did? He stated it was because they (the Federal Protective Services) "were the enforcers", confirming the conspiracy. Defendants' statements confess they acted with malice and negligence; unless Homeland Security admit the foundational law of this Nation has been altered fundamentally in order to allow such a thing. Is the Department of Homeland Security vested with law-making authority?

9. Sergeant McHugh without warning reached out and took my arm putting it in a wristlock control hold. I no longer had freedom of movement. I denied him permission to touch me rather loudly and that he had no authority or reason to touch me. He ignored my protests and assaulted me anyway. I was in his restraint without a warrant, probable cause, or any lawful reason whatsoever. I broke no laws. He, along with other officers, forced me from a place I had a right to be to a place I had no desire to be, outside to the street. I did not have my shoes on as they were placed on the x-ray machine. McHugh physically, by force, took me from a place I had a right to be, prohibited me to go

unimpeded to a place I wanted to go and took me to a place I didn't want to be and made me stay there⁹ by surrounding me with other officers. Not one of the other officers or Marshals tried to stop this unlawful arrest, assault and battery, kidnapping and false imprisonment. They were all complicit in the act most assisting outright. During this time of assault upon me, I keep yelling at Sergeant McHugh to charge me with something. He wouldn't do it and I suppose that there was no probable cause to charge me with any crime. All the officers and Marshals are culpable for their acts. Not having to identify yourself is well recognized in this circuit. They all knew or should have known they were violating clearly established Liberty Rights¹⁰. Not only was I not obligated to identify myself; my actions were constitutionally protected. There is no reason to assault and arrest me (restrain my Liberty of movement) in this case. It could not be for reason of a crime in demand of providing any identification, as there weren't any crime. And if there was a crime, I still can't be compelled to "furnish a link in the chain of evidence" if identifying myself would then furnish information that without it, they would not know what to charge me with. Then would I have to say anything? I would have the right to remain silent. The officers and marshals must find out relevant facts of any crime, if any, by their own independent investigation, not from the mouth of the accused. *Miranda v Arizona*, 384 U.S. 436 (1966). Any law or

⁹ The Common Law affirms if you are in a place you have a right to be, and you perceive a threat, you can counter that perceived threat with force, you can stand your ground, you have no duty to flee.

¹⁰ Forcing one to identify oneself or arresting one for not identifying is "so grossly and flagrantly unconstitutional that any person of reasonable prudence would be bound to see its flaws" (*Florida v. Royer*, 460 U.S. 491, 497 (1983) (person approached pursuant to Terry "need not answer any question put to him [and] may decline to listen to the questions at all and may go on his way")) *Carey v Nevada Gaming Authority, et al*, 279 F.3d 873

rule providing arrest for not providing a State issued picture ID is unconstitutional. *Carey*, supra. The Officers and Marshals forced us to call a clerk in order to escort us into court, making us dependent on another to exercise a right. Ken Augustine and Joe Neufeld were, ultimately, not allowed to proceed to the courtrooms. These events lasted approximately 20 minutes.

10. I foresee problems in getting in to the courthouse in order to file this suit. Historically, damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty. See *Nixon v. Condon*, 286 U.S. 73 (1932); [403 U.S. 388, 396] *Nixon v. Herndon*, 273 U.S. 536, 540 (1927); *Swafford v. Templeton*, 185 U.S. 487 (1902); *Wiley v. Sinkler*, 179 U.S. 58 (1900); J. Landynski, Search and Seizure and the Supreme Court 28 et seq. (1966); N. Lasson, History and Development of the Fourth Amendment to the United States Constitution 43 et seq. (1937); Katz, The Jurisprudence of Remedies: Constitutional Legality and the Law of Torts in *Bell v. Hood*, 117 U. Pa. L. Rev. 1, 8-33 (1968); cf. *West v. Cabell*, 153 U.S. 78 (1894); *Lammon v. Feusier*, 111 U.S. 17 (1884)

11. Wherefore, we have been harmed as a direct or proximate result of Respondents acts and therefore bring this suit¹¹.

Count 1

¹¹ A deprivation of a constitutional right is looked upon as an irreparable injury. See *Brewer v. The West Irondequoit Central School District*, 32 F. Supp.2d 619,625 (1999), to wit: "When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Bezy v. City of New York*, 97 F.3d 689, 694 (2d Cir.1996) (quoting 11 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 2948, at 440 (1973)), cert. denied, 520 U.S. 1251, 117 S.Ct. 2408, 138 L.Ed.2d 174 (1997); accord *Mitchell v. Cuomo*, 748 F.2d 804, 806 (2d Cir.1984); See also, *Scalsa v. City Univ. of New York*, 806 F.Supp. 1126, 1135 (S.D.N.Y.1992) ("The law in this Circuit is that a constitutional deprivation constitutes per se irreparable harm"); *Gour v. Morse*, 652 F.Supp. 1166, 1173 (D.Vt.1987) ("Constitutional rights are so basic to our society that their deprivation is almost by definition irreparable"). In addition, "it is the alleged violation of a constitutional right that triggers a finding of irreparable harm." *Jaffy*, 76 F.3d at 482.

12. Paragraphs 1-11 are incorporated herein as though fully set out herein.

13. Respondent McHugh, in concert and agreement with each other marshal or officer present, assaulted and battered, me without my consent and, in fact, contrary to my demands they not touch me, all with no reason or lawful authority whatsoever in violation of State law.

Count 2

14. Paragraphs 1-13 are incorporated herein as though fully set out herein.

15. Respondent McHugh, in concert and agreement with each other marshal or officer present, falsely arrested and imprisoned Joe Neufeld and myself, restricting our freedom of movement by not allowing us to proceed further into the building, without lawful cause whatsoever in violation of the Fourth Article of Amendment to the Constitution for the United States of America.

Count 3

16. Paragraphs 1-15 are incorporated herein as though fully set out herein.

17. Respondent McHugh, in concert and agreement with each other marshal or officer present, kidnapped me by forcibly taking me from the courthouse to the street without my consent.

Count 4

18. Paragraphs 1-17 are incorporated herein as though fully set out herein.

19. Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, denied Joe Neufeld, Ken Augustine and me Due Process in that they denied my Right to Access a court in violation of the

Fifth, and Fourteenth Articles of Amendment to the Constitution for the United States of America.

Count 5

20. Paragraphs 1-19 are incorporated herein as though fully set out herein.

21. Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, placed Joe Neufeld, Ken Augustine and me in a state of involuntary servitude by making us dependent on another for escort into the courts in violation of the Thirteenth Article of Amendment to the Constitution for the United States of America.

Count 6

22. Paragraphs 1-21 are incorporated herein as though fully set out herein.

23. Respondent McHugh, in concert and agreement and no dissent with each other Marshal or Officer present, denied Joe Neufeld, Ken Augustine and me freedom of association in violation of the First Article of Amendment to the Constitution for the United States of America.

Relief requested

24. Paragraphs 1-23 are incorporated herein as though fully set out herein.

25. I have further proceedings in the courthouse on July 9, 2004. There is no law requiring anyone to obtain and retain a State issued picture ID, therefore, an emergency hearing and injunction preventing the Marshall's Service and/or the Federal Protective Services from asking for State issued picture ID as pre-requisite to enter a public building or courthouse is requested.

26. That this court order all the officers and marshals, whose names are unknown to us and present at the incident

which is subject of this suit according to the governments records, served with this lawsuit (approximately 12).

27. Damages of \$25,000 for each count to Plaintiffs involved in each count from each Marshal and Officer participating in the unlawful acts against us in keeping with precedent established in *Trezevant v City of Tampa*, 741 F.2d 336 (11th Cir.1984) and *Bivens v 6 Unknown Narcotics Agents*, 403 U.S. 388.

28. Whatever further relief this court deems just.

I, Robert-John:Foti, Joe Neufeld and Ken Augustine are the Complainants in the above-entitled action and competent men able to state the following: We have read the foregoing and know the contents thereof. The same is true of our own knowledge, except as to those matters that are therein alleged on information and belief, and as to those matters, we believe them to be true, and we will testify as to its veracity.

The foregoing is true and correct and not misleading under penalty of bearing false witness.

Dated this 23rd day of June in the year of our Lord two thousand and four and of the Independence of America the two hundred and twenty-eighth.

Respectively Presented

Robert John Foti
Joseph Neufeld
Ken Augustine 07/06/88

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 US MARSHAL Thomas A. Kleniewski
 Street, Apt. No.; U.S. MARSHAL SERVICES
 or PO Box No. 450 Golden Gate Ave Federal Building
 City, State, ZIP+4
 SAN FRANCISCO, CA 94102

PS Form 3800, June 2002 See Reverse for Instructions

7003 2260 0006 6802 7685

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
1. Recipient's full name (last, first, middle initial) 2. Recipient's full address, including street, apt. no., or P.O. box no. 3. Recipient's city, state, and ZIP+4® 4. Recipient's phone number (optional) 5. Recipient's e-mail address (optional)	1. Signature of addressee 2. Date of delivery 3. Signature of carrier (if applicable) 4. Signature of delivery agent (if applicable) 5. Signature of recipient (if applicable)
6. Return address (if different from sender's address) 7. Sender's name 8. Sender's address, including street, apt. no., or P.O. box no. 9. Sender's city, state, and ZIP+4® 10. Sender's phone number (optional)	11. Signature of carrier (if applicable) 12. Signature of delivery agent (if applicable) 13. Signature of recipient (if applicable)
14. Sender's e-mail address (optional)	

7003 2260 0006 6802 7685

Tuesday, May 4, 2004

Joseph Leonard Neufeld
general delivery
Mission Rafael Station
San Rafael, California

U.S. Marshal Thomas A. Klenieski
U.S. Marshal Services
450 Golden Gate Avenue, Federal Building
San Francisco, CA 94102

This is a request for an administrative hearing regarding the policy of presenting some form of state-issued picture identification as a prerequisite to gain entry to the courts and federal building. I, as well as the undersigned, (hereinafter, collectively as "WE," "US," or "OUR") are unaware of any law — federal, state, or municipal — that requires US to either (1) procure, carry or maintain a picture identification card; or (2) present it to a U.S. Marshal or any of his or her deputies, upon demand.

On Friday, May 21, 2004 WE will be appearing in the courts and federal building for a 9 AM court appearance regarding *Foti v. County of San Mateo et al.*, U.S. District Court case no. C-00-4783 SI. Because WE possess no valid form of picture identification, and because we are all unaware of any legislative mandate requiring US to possess picture identification, and because we understand that you and your staff will not allow anyone to enter the courts and federal building without presentment of such picture identification, WE make a good-faith effort, through this request for an administrative hearing, to resolve, minimize or eliminate any confusion, misunderstanding or error regarding the enforcement of this policy.

I imagine that there may be some confusion regarding what WE seek to discover. I'm sure you and your staff have many a good reason as to why those entering the courts and federal building *should* present some form of identification. The U.S. Marshal Services resides under the executive branch, and is sworn to uphold and enforce the law.

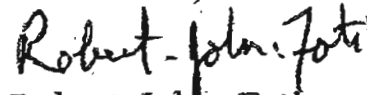
You are granted no law-making authority. WE do not seek to ascertain whether one *should*, or whether it would be a good idea to present identification as a prerequisite to enter the courts and federal building. WE simply seek to ascertain the underlying authority, granted to your agency, to compel what the law does not, to possess a state-issued identification.

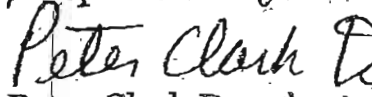
Nothing in this request should be construed as an effort on our part to disparage, undermine or disrespect the difficult job you and your staff face each day in maintaining a safe, secure and peaceful courts and federal building. WE do not seek to draw into question the policy of searching each visitor as a prerequisite to gain entry. We simply seek to draw into question the source of you and your staff's authority to refuse entry to the courts and federal building to members of the public who do not possess state-issued identification.


Please respond to this request within 10 days of receipt. Please FAX your response to (415) 389-0313 to hasten the process, and please mail as well to the above mailing location.

Thank you for your consideration in this matter,


Joseph Leonard Neufeld


Robert-John: Foti


Peter Clark Dougherty


Ken Augustine