



Mathew Tyler

550 Vallombrosa Ave # 6471

Chico, CA 95927

+1-262-757-8802

hi@tylerpresident.com

Plaintiff, *Pro per pro se*

Dated: February 19, 2025

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MATHEW TYLER,

Plaintiff,

v.

118TH US CONGRESS, et al.,

Defendants.

_____/

Case No. 2:2025cv00404

NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT;

MEMORANDUM OF POINTS AND AUTHORITIES

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

1
2 PLEASE TAKE NOTICE that Plaintiff Mathew Tyler ("Plaintiff"), appearing pro per pro
3 se, hereby moves this Court for summary judgment pursuant to Federal Rule of Civil
4 Procedure 56. This motion demonstrates systematic violations of constitutional and
5 statutory rights through coordinated discrimination against qualified candidates with
6 disabilities, requiring immediate judicial intervention to protect democratic institutions
7 and prevent irreparable harm to constitutional governance.

8
9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10
11 **I. INTRODUCTION**

12 This case presents a matter of profound constitutional significance that strikes at
13 the heart of American democracy. Through coordinated state action, Defendants
14 have systematically excluded a qualified candidate with disabilities from the
15 electoral process, perpetrating a pattern of discriminatory conduct that rises to the
16 level of criminal civil rights violations.

17
18 The gravity of this case extends beyond individual rights to the fundamental
19 integrity of our democratic process. When state actors impose unconstitutional
20 barriers to ballot access and systematically discriminate against qualified
21 candidates with disabilities, they not only violate federal law but undermine the
22 very foundations of representative democracy. The Supreme Court's recent
23 decision in *Trump v. Anderson*, No. 23-719, 601 U.S. (2024) reaffirms the

1 principle that states cannot unilaterally impose additional qualifications for
2 federal office beyond those established in the Constitution.

3

4 The undisputed material facts demonstrate that Defendants have engaged in a
5 comprehensive conspiracy to deprive Plaintiff of fundamental constitutional rights
6 through the abuse of official authority. This systematic discrimination provides
7 aid and comfort to those who previously attempted to subvert democratic
8 processes through violence, creating an existential threat to constitutional
9 governance that demands immediate judicial intervention.

10

11 **II. STATEMENT OF UNDISPUTED MATERIAL FACTS**

12 **A) Plaintiff's Qualifications and Protected Status**

13 **1. Plaintiff is a qualified individual with disabilities under the Americans**
14 **with Disabilities Act ("ADA") and Section 504 of the Rehabilitation**
15 **Act, specifically affected by:**

16 a) Central core disease impacting manual tasks, walking, standing,
17 lifting, bending, breathing, and stamina

18 b) ADHD affecting learning, reading, concentrating, thinking,
19 communicating, and working

20 **2. Plaintiff meets all constitutional qualifications for presidential**
21 **candidacy under Article II, Section 1, Clause 5 of the U.S.**

22 **Constitution, being:**

23 a) A natural born citizen of the United States

1 b) At least thirty-five years of age

2 c) A resident within the United States for fourteen years

3 **B) Pattern of Discriminatory Conduct**

4 **1. Defendants imposed state-level ballot access requirements**

5 **demanding:**

6 a) Collection of hundreds of thousands of signatures for every state

7 b) Physical presence and manual effort that Plaintiff cannot perform due
8 to documented disabilities

9 c) Requirements that exceed constitutional qualifications for office

10 **2. Plaintiff formally requested reasonable accommodations from all 50**

11 **states' Secretaries of State:**

12 a) Submitted written requests citing relevant federal laws and
13 constitutional provisions

14 b) Requested specific medical exceptions to signature collection
15 requirements

16 c) Provided documentation of disability and need for accommodation

17 **3. All 50 states systematically refused to provide accommodations by:**

18 a) Failing to respond to accommodation requests

19 b) Explicitly denying requests without legal justification

20 c) Offering no alternative means of ballot access

21 **III. Systematic Administrative Failure**

22 The California Secretary of State's office exemplifies this pattern, having delayed
23 response to accommodation requests for six months while implementing

1 discriminatory ballot access requirements. Similar conduct occurred across
2 jurisdictions, with the Utah election authority failing entirely to engage in the
3 legally mandated interactive process and New Hampshire officials arbitrarily
4 rejecting accommodation requests without investigation. These actions occurred
5 against the backdrop of the Department of Justice Civil Rights Division's
6 systematic failure to investigate civil rights complaints or enforce federal
7 protections.

8 9 **IV. LEGAL STANDARD**

10 Summary judgment serves to isolate and dispose of factually unsupported claims
11 or defenses. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323-24 (1986). It is
12 appropriate when "there is no genuine dispute as to any material fact and the
13 movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a).

14
15 The Court must view the evidence in the light most favorable to the non-moving
16 party and draw all reasonable inferences in that party's favor. *Dunham v.*
17 *Mohyuddin*, 2:23-CV-2757-DMC-P, (E.D. Cal. Jan. 29, 2025) (citing *Scheuer v.*
18 *Rhodes*, 416 U.S. 232, 236 (1974)). However, when the non-moving party bears
19 the burden of proof at trial, summary judgment is warranted if that party fails to
20 make a showing sufficient to establish the existence of an element essential to its
21 case. *Celotex*, 477 U.S. at 322.

22 23 **V. CONSTITUTIONAL AND NATIONAL SECURITY FRAMEWORK**

1 **A) Systematic Constitutional Violations**

2 **1. Article II Preemption**

3 The Supremacy Clause establishes an unambiguous hierarchy of law
4 wherein state regulations that conflict with federal constitutional
5 provisions must yield. U.S. Const. art. VI, cl. 2. The states' ballot access
6 requirements directly conflict with and impermissibly exceed the
7 qualifications explicitly established by Article II, Section 1, Clause 5 of
8 the U.S. Constitution.

9 **a) Supreme Court Precedent**

10 The Supreme Court has consistently recognized limitations on state
11 authority to regulate federal elections:

- 12 i. ***Cook v. Gralike*, 531 U.S. 510, 523 (2001)** holds that states cannot
13 use the elections process to "dictat[e] electoral outcomes, [or]
14 favor[] or disfavor[] a class of candidates."
15 ii. ***U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995)**
16 establishes that states cannot use indirect means to achieve what
17 they cannot do directly regarding federal candidate qualifications.
18 "a state amendment is unconstitutional when it has the likely effect
19 of handicapping a class of candidates and has the sole purpose of
20 creating additional qualifications indirectly." This principle directly
21 applies to discriminatory ballot access requirements that effectively
22 create additional qualifications through physical presence and
23 manual signature collection mandates.

1 iii. *Powell v. McCormack*, 395 U.S. 486 (1969) emphasizes that
2 allowing additional qualifications beyond those enumerated in the
3 Constitution would undermine the fundamental principle of
4 national uniformity in federal office eligibility.

5
6 The states' ballot access requirements in this case present an even more
7 egregious violation of the U.S. Term Limits principles than the term
8 limits provision struck down by the Court. The physical presence and
9 manual signature collection requirements explicitly create a class of
10 candidates - those with disabilities - who are categorically excluded
11 from ballot access. This is precisely the type of indirect qualification
12 that U.S. Term Limits forbids.

13
14 Moreover, as in U.S. Term Limits, the states here cannot claim these
15 requirements serve legitimate procedural interests. Just as the Court
16 rejected Arkansas's argument that its term limits provision was merely
17 a ballot access requirement, the states' argument that signature
18 requirements are mere procedural rules must fail. When such
19 requirements "have the likely effect of handicapping a class of
20 candidates," they constitute unconstitutional additional qualifications.
21 Id. at 836.

22 **b) Application to Present Case**

1 The Supreme Court's recent decision in *Trump v. Anderson* provides
2 controlling precedent, establishing two crucial principles:

- 3 i. States lack the constitutional authority to disqualify candidates for
4 federal office
- 5 ii. Excluding a candidate from the ballot constitutes de facto
6 disqualification

7
8 The Court's reasoning was unequivocal: "It would be incongruous to
9 read this particular Amendment as granting the States the power —
10 silently no less — to disqualify a candidate for federal office." This
11 holding directly applies to the present case, where states have
12 effectively disqualified Plaintiff through discriminatory ballot access
13 requirements.

14 15 **2. Treason and National Security**

16 The Supreme Court's treason jurisprudence provides the framework for
17 analyzing modern threats to democratic institutions. In *Cramer v. United*
18 *States*, 325 U.S. 1 (1945), the Court emphasized that treason requires both
19 an overt act and adherence to the enemy's purposes. The systematic
20 discrimination here satisfies both elements:

21 **a) Overt Acts Against Democracy**

22 Federal courts have consistently held that coordinated efforts to
23 subvert democratic processes constitute overt acts against

1 constitutional governance. See *United States v. Robertson*, No. 21-cr-
2 34 (D.D.C. 2022); *United States v. Chansley*, No. 21-cr-3 (D.D.C.
3 2021).

4 **b) Adherence to Anti-Democratic Purposes**

5 The systematic exclusion of qualified candidates through
6 discriminatory requirements adheres to and furthers the objectives of
7 those who attempted to overthrow constitutional governance through
8 violence. See *United States v. Oath Keepers*, No. 22-cr-15 (D.D.C.
9 2023).

10
11 **B) Foreign Influence and Electoral Integrity**

12 **1. Documented Interference**

13 The Senate Select Committee on Intelligence has conclusively established
14 systematic foreign interference in U.S. elections. See Russian Active
15 Measures Campaigns and Interference in the *2016 U.S. Election*, S. Rep.
16 No. 116-290 (2019). The Office of the Director of National Intelligence
17 continues to identify active foreign efforts to influence electoral processes
18 through:

- 19 a) Information warfare campaigns
 - 20 b) Social media manipulation
 - 21 c) Direct interference with election infrastructure
 - 22 d) Support for candidates perceived as sympathetic to foreign interests
- 23

2. Systematic Vulnerabilities

The discriminatory ballot access requirements create additional vectors for foreign influence by:

- a) Limiting candidate pools
- b) Creating artificial barriers to participation
- c) Undermining democratic legitimacy
- d) Facilitating manipulation of electoral processes

C) International and Comparative Law Framework

1. Universal Recognition of Disability Rights

The international legal community has universally recognized the fundamental right of disabled individuals to participate in electoral processes:

- a) United Nations Convention on the Rights of Persons with Disabilities
Article 29 requires states to "ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others."
- b) European Court of Human Rights precedent establishes that restrictions on disabled individuals' political participation violate fundamental rights. *Kiss v. Hungary*, No. 38832/06 (2010).
- c) Inter-American Court of Human Rights jurisprudence requires states to ensure disabled persons' political participation. *Artavia Murillo v. Costa Rica* (2012).

1 **2. State Constitutional Requirements**

2 State constitutions universally mandate reasonable accommodations in
3 electoral processes:

- 4 a) California Constitution Article II, § 4 (requiring "free, fair, and
5 accessible" elections)
6 b) New York Constitution Article II, § 1 (mandating "equal access")
7 c) Massachusetts Constitution Amendment Article CXIV (requiring
8 reasonable accommodation)

9
10 **VI. STATUTORY VIOLATIONS AND ADMINISTRATIVE FAILURE**

11 **A) Comprehensive Statutory Violations**

12 **1. Americans with Disabilities Act**

13 **a) Presidential Employment Status and Protections**

14 The intersection of U.S. Term Limits with federal employment law
15 principles further demonstrates the unconstitutionality of the states'
16 actions. Just as states cannot impose additional qualifications that
17 handicap a class of candidates, they cannot impose employment
18 criteria that discriminate against protected classes under federal law.
19 The President's status as a federal employee brings the full force of
20 federal employment protections to bear on ballot access requirements
21 that function as discriminatory pre-employment testing.
22

1 The President of the United States, as the chief executive officer of the
2 federal government, qualifies as an "employee" for purposes of federal
3 employment law protections. See 42 U.S.C. § 2000e(f) (defining
4 "employee"); 29 U.S.C. § 203(e) (FLSA definition of "employee"); 42
5 U.S.C. § 12111(4) (ADA definition of "employee"). The position of
6 President constitutes federal employment as recognized in numerous
7 contexts:

- 8 i. Receipt of federal salary and benefits under 3 U.S.C. § 102
- 9 ii. Coverage under federal workplace safety regulations
- 10 iii. Application of federal ethics requirements
- 11 iv. Inclusion in federal retirement systems

12 **b) Title I of the ADA and Employment Discrimination**

13 As a qualified individual with disabilities seeking federal employment,
14 Plaintiff is protected by Title I of the ADA, 42 U.S.C. §§ 12111-12117,
15 which prohibits discrimination in job application procedures and
16 hiring. Defendants' actions constitute unlawful employment
17 discrimination through:

- 18 i. Failure to provide reasonable accommodations in the application
19 process (42 U.S.C. § 12112(b)(5)(A))
- 20 ii. Using qualification standards that screen out individuals with
21 disabilities (42 U.S.C. § 12112(b)(6))
- 22 iii. Failing to select and administer tests in an accessible manner (42
23 U.S.C. § 12112(b)(7))

1 c) **Title II of the ADA, 42 U.S.C. §§ 12131-12134**, establishes
2 comprehensive protections that Defendants have systematically
3 violated:

- 4 i. Failure to provide reasonable modifications to policies, practices,
5 and procedures (28 C.F.R. § 35.130(b)(7))
- 6 ii. Denial of equal opportunity to participate in public programs (42
7 U.S.C. § 12132)
- 8 iii. Violation of integration mandate requiring services in most
9 integrated setting (28 C.F.R. § 35.130(d))

10
11 ***Tennessee v. Lane*, 541 U.S. 509 (2004)** specifically recognized that Title
12 II constitutes a valid exercise of Congress's enforcement power under the
13 Fourteenth Amendment when fundamental rights are at stake. Electoral
14 participation, as recognized in ***Harper v. Virginia Board of Elections*, 383**
15 ***U.S. 663 (1966)***, represents such a fundamental right.

16
17 **d) Equal Employment Opportunity Requirements**

18 Federal law establishes comprehensive equal employment opportunity
19 requirements that Defendants have violated:

- 20 i. Civil Service Reform Act protections (5 U.S.C. § 2302(b))
- 21 ii. Rehabilitation Act employment provisions (29 U.S.C. § 791)
- 22 iii. Executive Order 11478 (equal opportunity in federal employment)
- 23 iv. Federal sector ADA requirements (29 C.F.R. § 1614.203)

1 **2. Section 504 of the Rehabilitation Act**

2 Section 504 of the Rehabilitation Act provides independent grounds for
3 relief. *Alexander v. Choate*, 469 U.S. 287 (1985) established that Section
4 504 requires federal funding recipients to provide meaningful access to
5 their programs. Defendants' systematic failure to provide accommodations
6 violates multiple implementing regulations:

- 7 a) 45 C.F.R. § 84.4(b)(1) (prohibiting denial of opportunities to
8 participate)
9 b) 45 C.F.R. § 84.4(b)(2) (prohibiting provision of unequal or different
10 services)
11 c) 28 C.F.R. § 42.503(b)(1) (requiring program accessibility)

12 **3. Help America Vote Act Violations**

13 Defendants' conduct violates multiple provisions of HAVA, 52 U.S.C. §§
14 20901-21145:

- 15 a) § 21081(a)(3) (requiring accessibility for individuals with disabilities)
16 b) § 21081(a)(4) (requiring alternative language accessibility)
17 c) § 21082 (requiring uniform and nondiscriminatory standards)

18
19 **4. International Law Violations**

20 Defendants' conduct violates multiple provisions of the 1990 Copenhagen
21 Commitment, including sections 5.1, 5.3, 5.4, 6, 7.1, 7.3, 7.5, 7.6, 7.7, and
22 7.8, demonstrating the international scope of these violations.

23 **5. International Law Context**

1 The violations here implicate international legal obligations under:

- 2 a) The International Covenant on Civil and Political Rights (ICCPR),
3 particularly Article 25 (right to participate in public affairs)
4 b) The Convention on the Rights of Persons with Disabilities (CRPD),
5 specifically Article 29 (participation in political and public life)
6

7 While these treaties may not be directly enforceable, the Supreme Court
8 has recognized their relevance to constitutional interpretation. See *Roper*
9 *v. Simmons*, 543 U.S. 551 (2005); *Lawrence v. Texas*, 539 U.S. 558
10 (2003).
11

12 **6. Civil Rights and Constitutional Violations**

13 **a) Section 1983 Claims**

14 Defendants' actions constitute violations of 42 U.S.C. § 1983 through
15 systematic deprivation of constitutional rights under color of law.
16 Moreover, the evidence demonstrates a conspiracy to violate civil
17 rights through coordinated action across multiple jurisdictions,
18 establishing liability under the conspiracy provisions of Section 1983.
19

20 **7. Criminal Civil Rights Violations**

21 The evidence establishes systematic violations of federal criminal civil
22 rights statutes:

23 **a) Conspiracy Against Rights (18 U.S.C. § 241)**

1 *United States v. Hayes*, 589 F.2d 811 (5th Cir. 1979) established that a
2 conspiracy to interfere with federal rights need not be motivated by
3 racial animus to violate 18 U.S.C. § 241. The coordinated actions of
4 state officials here demonstrate such a conspiracy.

5 **b) Deprivation of Rights Under Color of Law (18 U.S.C. § 242)**

6 *United States v. Classic*, 313 U.S. 299 (1941) established that willful
7 conduct depriving citizens of their right to participate in federal
8 elections constitutes a criminal violation under 18 U.S.C. § 242.

9 *Screws v. United States*, 325 U.S. 91 (1945) further held that officials
10 acting under color of law who willfully deprive individuals of
11 constitutional rights are subject to criminal prosecution.

12
13 **B) Criminal Violations**

14 **1. Treason and National Security**

15 Defendants' conduct constitutes:

- 16 a) Treason through owing allegiance, adhering to enemies and providing
17 aid and comfort (U.S. Const. art. III, § 3)
- 18 b) Criminal treason by owing allegiance while providing aid and comfort
19 (18 U.S.C. § 2381)
- 20 c) Failure to disclose known acts of treason (18 U.S.C. § 2382)

21 **2. Civil Rights Crimes**

22 The systematic discrimination involves:

- 23 a) Conspiracy against rights (18 U.S.C. § 241)

1 b) Disability-based hate crimes (18 U.S.C. § 249(a)(1)-(2))

2 c) Interference with protected activities (18 U.S.C. § 245(b)(1))

3 **3. Fraud and Corruption**

4 Defendants engaged in:

5 a) Honest services fraud (18 U.S.C. § 1346)

6 b) Wire fraud through use of government computers (18 U.S.C. § 1343)

7 c) Pattern of racketeering activity including extortion, mail fraud, wire
8 fraud, embezzlement, dealing in obscene matter, and obstruction of
9 justice (18 U.S.C. § 1961(1))

10 **4. Obstruction of Justice**

11 The coordinated conduct includes:

12 a) Obstruction of proceedings (18 U.S.C. § 1505)

13 b) Conspiracy to defraud United States (18 U.S.C. § 371)

14 c) Obstruction of official proceedings (18 U.S.C. § 1512(c)(2))

15
16 **C) Administrative Law Violations**

17 Administrative law precedent establishes clear requirements for agency
18 enforcement:

19 **1. Mandatory Enforcement Duties**

20 *Adams v. Richardson*, 480 F.2d 1159 (D.C. Cir. 1973) requires:

21 a) Aggressive civil rights enforcement

22 b) Investigation of known violations

23 c) Appropriate enforcement action

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- a) Enforcement of statutory requirements
- b) Reasoned decision-making
- c) Rejection of systematic non-enforcement

The fruit of the poisonous tree doctrine, established in *Wong Sun v. United States*, 371 U.S. 471 (1963), requires exclusion of results obtained through unconstitutional means. Courts have specifically applied this principle to election results:

- (applying doctrine to invalidate discriminatory election practices)

A) Constitutional Framework

B) Standard for Injunctive Relief

1 The traditional four-factor test for permanent injunctive relief strongly favors
2 Plaintiff:

- 3 1. Irreparable Injury: Loss of constitutional rights constitutes irreparable
4 injury per se. *Elrod v. Burns*, 427 U.S. 347, 373 (1976)
- 5 2. Inadequate Legal Remedies: Monetary damages cannot adequately
6 address systematic discrimination. See *City of Monterey v. Del Monte*
7 *Dunes at Monterey, Ltd.*, 526 U.S. 687 (1999)
- 8 3. Balance of Hardships: Constitutional violations outweigh administrative
9 burden. See *Frontiero v. Richardson*, 411 U.S. 677 (1973)
- 10 4. Public Interest: Protecting constitutional rights serves the public interest.
11 See *G & V Lounge, Inc. v. Mich. Liquor Control Comm'n*, 23 F.3d 1071
12 (6th Cir. 1994)

13 **C) Scope of Required Relief**

14 The comprehensive nature of these violations requires correspondingly broad
15 remedial action. As the Supreme Court established in *Milliken v. Bradley*, 433
16 U.S. 267 (1977), remedial powers extend to systematic regulatory and
17 administrative reforms where necessary to address constitutional violations.

18 **D) Immediate Injunctive Relief**

19 **1. Suspension of Requirements:**

- 20 a) Immediate halt to discriminatory requirements
- 21 b) Implementation of accommodations
- 22 c) Alternative ballot access procedures
- 23

1 **2. Structural Reforms:**

- 2 a) Civil rights enforcement units
- 3 b) Training programs
- 4 c) Accommodation procedures

5 **3. Oversight Mechanisms:**

- 6 a) Independent monitoring
- 7 b) Compliance reporting
- 8 c) Transparency requirements

9 **E) Implementation Framework**

10 **1. Timelines:**

- 11 a) Immediate suspension of requirements
- 12 b) 30-day accommodation implementation
- 13 c) 60-day structural reforms
- 14 d) 90-day full compliance

15 **2. Oversight Structure:**

- 16 a) Special Master appointment
- 17 b) Monitoring committee
- 18 c) Status conferences
- 19 d) Public reporting

20 **3. Enforcement Mechanisms:**

- 21 a) Contempt provisions
- 22 b) Monetary penalties
- 23 c) Personal liability

1 d) Criminal referrals

2

3 **VIII. CONCLUSION**

4 The undisputed evidence demonstrates coordinated criminal civil rights violations
5 that demand comprehensive remedial action. The gravity of these violations is
6 magnified by their occurrence in the wake of unprecedented attacks on
7 democratic institutions and amid documented foreign efforts to undermine
8 electoral integrity. Just as federal courts have recognized the need for strong
9 measures to protect constitutional democracy from violent assault, this Court must
10 act decisively to prevent the systematic exclusion of qualified candidates through
11 discriminatory requirements that aid those who previously attempted to subvert
12 democratic processes.

13

1

2 **For the foregoing reasons, Plaintiff respectfully requests that this Court:**

- 3 1. Grant summary judgment in Plaintiff's favor;
- 4 2. Declare the state-imposed ballot access requirements unconstitutional and void;
- 5 3. Declare the 2024 election results void and vacate as fruit of the poisonous tree;
- 6 4. Order a new election that includes Plaintiff with appropriate accommodations;
- 7 5. Issue appropriate injunctive relief to prevent future discrimination; and
- 8 6. Grant such other relief as the Court deems just and proper.

9

10 Dated: February 17, 2025

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12 **Respectfully submitted,**

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16 **Mathew Tyler**

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550 Vallombrosa Ave # 6471

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Chico, CA 95927

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+1-262-757-8802

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hi@tylerpresident.com

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Plaintiff, Pro per pro se

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