

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

JOSE DECASTRO,
Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
STATE OF NEVADA,
BRANDEN BOURQUE,
JASON TORREY,
C. DINGLE,
B. SORENSON,
JESSE SANDOVAL,
C. DOOLITTLE,
and DOES 1 to 50,
Defendants.

Case No. 2:23-cv-00580-APG-EJY

Honorable Judge Andrew Patrick Gordon
Presiding

**JURY TRIAL DEMANDED BY RIGHT AND
PRIVILEGE**

**JENSEN'S NOTICE OF APPEAL ORDER
DATED JUNE 15th, 2023 (ECF. 25)**

COMESNOW, Intervenor Plaintiff, Jason A Jensen ("JENSEN"), with Notice of Appeal.

On the Order dated June 15th, 2023, ECF 25, the Judge ORDERS “I FURTHER ORDER that the clerk of court need not file the documents that Jensen has submitted to date and need not file any other document Jensen submits in this case except a motion to join or intervene.”

Missing from the allowed Documents that can be submitted, as specified, “except a motion to join or intervene” is the ability to file a Notice of Appeal. A Judge has no lawful authority to deny Notice of Appeal documents as this is the mechanism to review the decisions of that Judge. This would seem to be an Order with a direct conflict of interest inherently implied.

There are documents missing in this case, my first filing WAS a MOTION TO INTERVENE and it is still not docketed. JENSEN will also be seeking Writ of Mandamus on this Order as well.

For all the above reasons, JENSEN appeals the ORDER denying relief.

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

I, Jason A Jensen, did cause all defendants currently present and in appearance of this Court to be served electronically by the ECF/CM of the Federal Court, on this day the 15th of June 2023, as soon as the Clerk of Court files this paperwork as submitted to lv_public_docketing@nvd.uscourts.gov.

//s/JasonAJensen

UNITED STATES DISTRICT COURT
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**JENSEN'S NOTICE OF APPEAL ORDER
DATED JUNE 14th, 2023 (ECF. 24)**

COMESNOW, Intervenor Plaintiff, Jason A Jensen ("JENSEN"), with Notice of Appeal.

Tantamount to the Authority of a Court is Notice and Process in Jurisdiction. Which is not a subversion of this Court's authority, but basis for appeal. This means that the Docket is subject to the rules and rights of persons with standing.

This Order denies a relief on an incomplete record. To date, JENSEN has filed:

1. Application for In Forma Pauperis (Missing from the Docket)
2. Motion to Intervene (Missing from the Docket)
3. Proposed Intervenor Complaint (Missing from the Docket)
4. Motion to Strike (Missing from the Docket)
5. Consent to Email Service (ECF. 21)
6. This denied Motion, for Joinder and Extraordinary Writ. (ECF. 20)
7. Objections (Missing from the Docket)
8. Motion to Joinder Motion for Reconsideration (Missing from the Docket)
9. Motion for Leave to File Suggestions in Opposition to Defendant's Motion to Dismiss and the Proposed Suggestions in Opposition. (Motion is filed as ECF. 23 but the attached Proposed Suggestions in Opposition is Missing)
10. Sent an Email complaining about Documents and their Filings by pro se Email. (Not Processed and Missing from the Docket)

JENSEN moved to intervene in this case based on the rights of the traffic stop detainee – which is not represented in this Matter. The case referenced, *Berkemer v. McCarty*, 468 U.S. 420, 438 (1984), outlines those rights in a traffic stop detention in reference to what is commonly referred to “Miranda Rights”. In this case, the Supreme Court of the United States of America, in controlling precedent, outlined when a “investigative detention” requires the issuance of Miranda warnings. The Court concluded that it is not

required because the interaction is public and that there is, basically, public oversight. This is the exact effect the Policies of LVMPD is seeking to overrule with the actions and defense as presented. By making converse with the detainee criminal and violating the creation of an exclusion zone around the detainee criminal, the Defendants have overruled and negated the principles engendered in the Berkemer v. McCarty, 468 U.S. 420, 438 (1984) case. This Motion was based on the standing precedence, that the public cannot intervene in a state criminal matter and therefore, no person can bring light to the fact that the orders issued by the Defendants to move back were in fact unlawful. Moreover, since a defendant in a criminal matter cannot exert the rights of another in defense of a criminal charge, this motion for joinder was meant to supplement Mr. DeCastro's fatal position based on the Rights of a Driver, all persons to receive Miranda Rights,

For all the above reasons, JENSEN appeals the ORDER denying relief.

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

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//s/JasonAJensen

UNITED STATES DISTRICT COURT

for the
District of Nevada

DeCastro; INTERVENOR Jason Adam Jensen

Plaintiff/Petitioner

v.

Las Vegas Metropolitan Police Department et al

Defendant/Respondent

Civil Action No. 2:23-cv-00580-APG-EJY

**APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)**

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____.

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

Not employed, disabled under the Social Security Act.

My gross pay or wages are: \$ _____ 0.00 , and my take-home pay or wages are: \$ _____ 0.00 per
(specify pay period) _____ year .

3. *Other Income.* In the past 12 months, I have received income from the following sources (*check all that apply*):

- | | | |
|--|---|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

I receive the Social Security Benefit for Disability in the amount of \$2,268.62 after deduction of Part A Health insurance which I have configured for a Medicare Advantage Program. It should be noted that Under 407 of the Social Security Act, this is not income, cannot be spent in any manner, and must be used for my benefits as outlined by the SSA.

4. Amount of money that I have in cash or in a checking or savings account: \$ 1,383.34 .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

I have about \$150 in etrade which they will not let me manage as the account is so old i cannot verify the identity. I have a car and motorhome in common law trust with my father in preparation for the implements of my mental health disability. I do not have enough information to calculate their values since the car is in cosmetically poor shape and neither are in my direct finacial control. My name is not even on their title, however, upon my father's passing I believe the titles transfer to me.

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

This section is difficult to calculate as traveling in a motorhome is a dynamic expense. I usually have ~\$200 at the end of the month with this category being somewhere between \$700-800/mo

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

NOT APPLICABLE TO JENSEN

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

In the past year I have amassed ~\$600 in credit card debt, and a personal load of over \$10,000 from my father to repair the motorhome and obtain a 5 year service contract.

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 06/11/2023

//s/JasonAJensen/IFP-MTI-Decastro

Applicant's signature

Jason Adam Jensen

Printed name

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**JENSEN’S PARTIALLY SUPPORTED AND
PARTIALLY OPPOSED RULE 24 MOTION
TO INTERVENE**

COMESNOW, Intervenor Applicant, Jason A Jensen (“JENSEN”), under FRCP 24 (A), or alternatively, FRCP 24 (B), in application to intervene in the above captioned matter, submits the following:

1. JENSEN received Mr. DeCastro's positive consent on the filing of this Motion to Intervene on June 12th, 2023 at 10:44 AM CST.
2. JENSEN received Defendant's refusal of consent to file this Motion to Intervene on June 12th, 2023 at 11:01 AM CST. The defendants do not believe that the driver and traffic stop detainee has any Miranda Rights and/or that those Miranda Rights, are implicated by the policy exhibited by isolation of the traffic stop detained driver.
3. JENSEN is a licensed Motor Vehicle Operator in the United States.
4. JENSEN has prerogative in the State of Nevada and other Southern warm States as a "Snow Bird" with a Motor-home to enjoy varied climates.
5. JENSEN lives in and utilizes his mobile living arrangement to offset discrimination of the Mentally Ill; This allows JENSEN to relocate when prejudice and conflict arises when neurotypical persons identify JENSEN's mental health disorders.
6. Mr. Jose DeCastro cannot, as the "other party" to a traffic stop to the scenario presented in this case, protect and enforce the Miranda Law, as prescribed in the Supreme Court of the United States of America, *Berkemer v. McCarty*, 468 U.S. 420 (1984).
7. The Defendant's "Motion to Dismiss" violates FRCP 8 as an Affirmative Defense, such as Qualified Immunity, is a responsive pleading and not a Motion.
8. JENSEN incorporates all elements and arguments in the attached Proposed Intervenor Complaint as if it were Memorandum in Support of this Motion.

WHEREFORE:

JENSEN prays this Court to allow JENSEN to file the Proposed Intervenor Complaint.

JENSEN prays for all relief just and proper.

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

I, Jason A Jensen, did cause all defendants currently present and in appearance of this Court to be served electronically by the ECF/CM of the Federal Court, on this day the 12th of June 2023, as soon as the Clerk of Court files this paperwork as submitted to lv_public_docketing@nvd.uscourts.gov.

//s/JasonAJensen

Jason Adam Jensen
2186 Jackson Keller Rd, Ste 1097
San Antonio, TX 78213
jasonajensen@gmail.com
402-598-1285

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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JOSE DECASTRO,
Plaintiff,

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Intervenor Plaintiff,

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INTERVENOR COMPLAINT

I. INTRODUCTION

1. This is a §1983 wrongful arrest and excessive force lawsuit. On March 15, 2023, Defendant LVMPD Officer Branden Bourque (“Ofc. Bourque”) arrested Plaintiff Jose DeCastro (“DeCastro”) for allegedly “obstructing a lawful traffic stop when he refused to comply with Ofc. Bourque’s commands to move away from the detainee.” DeCastro asserts numerous causes of action under the theory that LVMPD Defendants wrongfully arrested him for discriminatory reasons and for exercising his First Amendment right to film. On June 1st, 2023, the Defendants, the State, filed a precarious “Motion to Dismiss” of the majority of DeCastro’s claims for “failure to state a claim upon which relief can be granted pursuant to FRCP 12(b)(6)”. Specifically, the Motion requests the Court dismiss DeCastro’s:

- Fourth Amendment and Nevada state law false arrest and false imprisonment claims (first and eighth causes of action).
- Fourteenth Amendment discrimination claim (second cause of action).
- First Amendment retaliatory arrest claim (third cause of action).
- Monell claim against LVMPD (fourth cause of action).
- 42 U.S.C. §1981 discrimination claim (fifth cause of action).
- State law invasion of privacy claim (ninth cause of action).
- State law negligence claim (tenth cause of action).

2. The only claims defendants are not contesting are DeCastro’s Fourth Amendment excessive force claim (first cause of action) and Nevada state law claims for assault and battery (sixth and seventh causes of action).

II. PARTIES

3. Intervenor Plaintiff, Jason Adam Jensen (“JENSEN”), is an adult over the age of eighteen, a driver and commercial purveyor of the United States Interstate System, is a transient member of society that lives in a motorhome to escape prejudice and discrimination.

(REST OF PARTIES TAKEN FROM AMENDED COMPLAINT VERBATIM)

4. Plaintiff Jose DeCastro (“DeCastro”) is an adult over the age of eighteen, a member of the press, and at all times relevant hereto, was and is a resident of the State of California.

5. Defendant Las Vegas Metropolitan Police Department (“LVMPD”) is a quasimunicipal entity and a political subdivision of the State of Nevada created and regulated by NRS Ch. 258 and at all times relevant hereto, employed all of the individually named Defendants.

6. Defendant State of Nevada (“Nevada”) is a government entity and at all time relevant hereto, operates, oversees, and manages Defendant LVMPD under the color of state law.

7. Defendant Branden Bourque (“Bourque”) is, and at all relevant times was, an officer with the LVMPD. In doing the things herein alleged, Bourque was acting under the color of state law and in the course and scope of his employment with Nevada. Bourque is sued in his individual capacity.

8. Defendant Jason Torrey (“Torrey”) is, and at all relevant times was, a supervisor with the LVMPD. In doing the things herein alleged, Torrey was acting under color of state law and in the course and scope of his employment with Nevada. Torrey is sued in his individual capacity, including in his capacity as a supervisor.

9. Defendant C. Dingle (“Dingle”) is, and at all relevant times was, an officer with the LVMPD. In doing the things herein alleged, Dingle was acting under the color of state law and in the course and scope of his employment with Nevada. Dingle is sued in his individual capacity. Plaintiff does not know the full true name of C. Dingle.

10. Defendant B. Sorenson (“Sorenson”) is, and at all relevant times was, an officer with the LVMPD. In doing the things herein alleged, Sorenson was acting under the color of state law and in the course and scope of his employment with Nevada. Sorenson is sued in his individual capacity. Plaintiff does not know the full true name of B. Sorenson.

11. Defendant Jesse Sandoval (“Sandoval”) is, and at all relevant times was, an officer with the LVMPD. In doing the things herein alleged, Sandoval was acting under the color of state law and in the course and scope of his employment with Nevada. Sandoval is sued in his individual capacity.

12. Defendant C. Doolittle (“Doolittle”) is, and at all relevant times was, an officer with the LVMPD. In doing the things herein alleged, Doolittle was acting under the color of state law and in the course and scope of his employment with Nevada. Doolittle is sued in his individual capacity. Plaintiff does not know the full true name of C. Doolittle.

13. The true names and capacities, whether individual, corporate, associate, or otherwise, of Defendants sued herein as Does 1-50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious names. Plaintiff will amend this Complaint to show the true names and capacities if and when the same are ascertained. Plaintiff is informed and believes, and thereon alleges, that said Defendants, and each of them, are responsible in some manner for Plaintiff’s damages as herein alleged. Each reference in this complaint to “defendant”, “defendants”, “Defendants”, or a specifically named defendant also refers to all “Doe” defendants.

III. JURISDICTION AND VENUE

14. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 as a Federal Question.

15. This Court is the proper venue pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to the claims occurred in the County of Clark in Nevada which is in the U.S. District of Nevada

IV. FACTUAL ALLEGATIONS

16. On March 15, 2023, at approximately 4:30 p.m., Ofc. Bourque was conducting a traffic stop of a silver Hyundai Elantra. ECF No. 13 at ¶20. **At no time, and not on the record, is Ofc. Bourque's declaration or evidence of the subject of that stop being afforded any Miranda Warnings.** DeCastro allegedly approached the traffic stop and began **recording** and **talking** to the "traffic detainee". ECF No. 13 at ¶21. At the time DeCastro approached the traffic stop, Ofc. Bourque was sitting in his LVMPD vehicle. ECF No. 13 at ¶20.

17. Upon noticing DeCastro interacting with the subject of the traffic stop, Ofc. Bourque exited his police vehicle, got DeCastro's attention, and told him to back up. ECF No. 13 at ¶22. DeCastro moved five feet. ECF No. 13 at ¶22. Ofc. Bourque again told DeCastro to back up from the traffic stop, at which time DeCastro began asserting his rights to record the interaction. ECF No. 13 at ¶23. Ofc. Bourque warned DeCastro he would detain DeCastro for obstructing if he did not move further away from the detainee. ECF No. 13 at ¶23. DeCastro insisted he had no obligation to back up because of his status as a member of the press and his right to record police interactions. ECF No. 13 at ¶¶ 23-24. When DeCastro ignored Ofc. Bourque's commands to move back ten feet, Ofc. Bourque told DeCastro he was being detained. ECF No. 13 at ¶24. Ofc. Bourque told the traffic detainee she was free to go. ECF No. 13 at ¶25.

18. When Ofc. Bourque attempted to detain DeCastro, DeCastro refused to comply. ECF No. 13 at ¶¶ 25-26. DeCastro asked for a supervisor and walked to Ofc. Bourque's LVMPD vehicle, at which time Ofc. Bourque informed DeCastro he was being arrested for obstruction. ECF No. 13 at ¶¶ 26. DeCastro made Ofc. Bourque aware of a prior shoulder injury, and Ofc. Bourque placed DeCastro in two pairs of handcuffs to adhere to his medical needs. ECF No. 13 at ¶¶ 27.

19. DeCastro alleges one of the Defendant officers repeatedly squeezed Plaintiff's elbow, placing pressure on DeCastro's ulnar nerve and causing DeCastro severe pain. ECF No. 13 at ¶¶ 29-32. DeCastro then threatened to sue the officers at the scene. ECF No. 13 at ¶¶ 33. DeCastro further alleges he was

patted down several times, and during the final patdown, an officer struck DeCastro in the groin with a closed fist. ECF No. 13 at ¶ 38.

20. Eventually, Defendant Erland Jason Torrey (“Sgt. Torrey”) arrived at the scene. ECF No. 13 at ¶ 35. Sgt. Torrey authorized the officers’ behavior as being within LVMPD policy, and said DeCastro should be arrested. As noted in Ofc. Bourque’s report and affirmed by Sgt. Torrey, the reasons why DeCastro was arrested was for engaging with a detained driver, refusing to give an officer reasonable space to work, and refusing to obey lawful commands after being advised he was being detained. ECF No. 13 at ¶¶ 44. Ofc. Bourque’s report further stated DeCastro had admitted to getting in trouble numerous times in the past for the same reasons, and his habitual behavior of obstructing police officers and claiming it was justified because of his right to film the police would continue in the area if he was not cited. ECF No. 13 at ¶¶ 45.

V. LEGAL DISCUSSION

21. “[T]he [traffic] stop and inquiry must be `reasonably related in scope to the justification for their initiation.’ Ibid. (quoting *Terry v. Ohio*, supra, at 29.)” *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)

22. “Typically, this means that the officer may ask the detainee a moderate number of questions to determine his identity and to try to obtain information confirming or dispelling the officer’s suspicions. **But the detainee is not obliged to respond.**” *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984) (emphasis added)

23. “And, unless the detainee’s answers provide the officer with probable cause to arrest him, he must then be released.” *Berkemer v. McCarty*, 468 U.S. 420, 439-40 (1984)

24. The comparatively nonthreatening character of detentions of this sort explains the absence of any suggestion in our opinions that *Terry* stops are subject to the dictates of *Miranda*. The similarly noncoercive aspect of ordinary traffic stops prompts us to hold that persons temporarily detained pursuant

to such stops are not "in custody" for the purposes of Miranda. *Berkemer v. McCarty*, 468 U.S. 420, 440 (1984)

25. It is settled that the safeguards prescribed by Miranda become applicable as soon as a suspect's freedom of action is curtailed to a "degree associated with formal arrest." *California v. Beheler*, 463 U.S. 1121, 1125 (1983) (per curiam). If a motorist who has been detained pursuant to a traffic stop thereafter is subjected to treatment that renders him "in custody" for practical purposes, he will be entitled to the full panoply of protections prescribed by Miranda. See *Oregon v. Mathiason*, 429 U.S. 492, 495 (1977) (per curiam). *Berkemer v. McCarty*, 468 U.S. 420, 440 (1984)

26. "Nor do other aspects of the interaction of Williams and respondent support the contention that respondent was exposed to "custodial interrogation" at the scene of the stop." *Berkemer v. McCarty*, 468 U.S. 420, 442 (1984)

27. "It was the compulsive aspect of custodial interrogation, and not the strength or content of the government's suspicions at the time the questioning was conducted" *Berkemer v. McCarty*, 468 U.S. 420, 442 n.35 (1984)

28. "Moreover, the typical traffic stop is conducted in public, and the atmosphere surrounding it is substantially less "police dominated" than that surrounding the kinds of interrogation at issue in Miranda and subsequent cases in which Miranda has been applied." *Berkemer v. McCarty*, 468 U.S. 420, 421 (1984)

29. "However, if a motorist who has been detained pursuant to a traffic stop thereafter is subjected to treatment that renders him "in custody" for practical purposes, he is entitled to the full panoply of protections prescribed by Miranda." *Berkemer v. McCarty*, 468 U.S. 420, 421 (1984)

30. To be sure, the aura of authority surrounding an armed, uniformed officer and the knowledge that the officer has some discretion in deciding whether to issue a citation, in combination, exert some pressure on the detainee to respond to questions. But other aspects of the situation substantially offset

these forces. Perhaps most importantly, the typical traffic stop is public, at least to some degree. Passersby, on foot or in other cars, witness the interaction of officer and motorist. This exposure to public view both reduces the ability of an unscrupulous policeman to use illegitimate means to elicit self-incriminating statements and diminishes the motorist's fear that, if he does not cooperate, he will be subjected to abuse. Berkemer v. McCarty, 468 U.S. 420, 438 (1984) (emphasis added)

31. However, Mr. Decastro's behavior, conversing with, and of being nearby and recording the interactions this is the exact kind of negating force Berkemer held "most importantly" negated the Miranda requirements of a Traffic Stop Detainee.

32. If, the Policy of LVMPD has a policy of creating a "buffer" or crime scene, and monopolizing the attention and ability for a traffic detainee, and charging anyone close enough to hear the conversations and provide the counterbalance to the State's interrogation, then the Driver is entitled to Miranda Warnings.

33. All defendants have been made aware of these "clearly established" rights since Berkemer in 1984, some 39 years.

34. In arguendo, officer safety, creating a crime scene around a traffic stop does not protect the officers. Any person seeking to harm the police need only drive around looking for a Traffic Stop, and then pull up and engage the officer in surprise.

VI. CLAIMS

FIRST CAUSE OF ACTION

42 U.S. Code § 1985 – Miranda, First Amendment, Fifth Amendment

(Against Bourque, Torrey, Dingle, Sorenson, Sandoval, Doolittle, and Does 1 – 25)

35. JENSEN reincorporates paragraphs 1,2, 16-34.

36. Defendants Bourque, Torrey, Dingle, Sorenson, Sandoval, Doolittle, and, perhaps, Does, did, by making the presence, video recording, and conversing with the detainee, part of the Traffic Stop, conspire to not only deprive the rights of the Traffic Detainee, but accomplished that deprivation, by depriving the rights of the passerby, in this case Decastro.

VII. PRAYER

For all the aforementioned allegations of fact, legal argument, and claims above, JENSEN prays for the following relief:

- a. That defendants, and all those similarly situation, be enjoined by Injunctive Relief from converting a traffic stop into an “investigative detention”, by strict monopolization of the traffic stop area, in violation of Miranda, Berkemer, and the Fifth Amendment to the United States Constitution.
- b. That Intervenor Plaintiff be provided by relief of Declaratory Judgment, that the monopolizing force of a Traffic Detainee, such as restricting video recording, passer by from eliciting suggestions to the detainee, and making the public stand back beyond the ability to hear what the officer is doing, is a violation of Miranda, Berkemer, and the Fifth Amendment.

DATED: June 11th, 2023

Respectfully Submitted,

//s/JasonAJensen

Jason Adam Jensen

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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JOSE DECASTRO,
Plaintiff,

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JENSEN'S MOTION TO STRIKE

COMESNOW, Intervenor Plaintiff, Jason A Jensen ("JENSEN"), under FRCP 8 (C) and 12 (F),
and Moves to Strike ALL ELEMENTS of Affirmative Defenses from Defendant's "Motion to Dismiss"
(See Doc. 15) and Joinder (See Doc. 17):

1. FRCP 8 (C) makes it clear that Affirmative Defenses are a part of a responsive Pleading.
2. In the “Motion to Dismiss”, III “Legal Standards” Section B, the Defendants Outline their Affirmative Defenses. See Page 5 lines 22 through Page 6 line 12. Rule 12 (d) Result of Presenting Matters Outside the Pleadings. If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56.
3. In the “Motion to Dismiss”, IV “Legal Argument”, Section A(3), titled “At a minimum, Ofc. Bourque is protected by qualified immunity on the Fourth Amendment false arrest claim and discretionary immunity on the state law false arrest claim” Raises Qualified Immunity, an Affirmative Defense, in a non-pleading document.

WHEREFORE:

JENSEN prays this Court Strike the Affirmative Defenses in the “Motion to Dismiss” or consider the “Motion to Dismiss” a responsive pleading under Rule 56 as a Motion for Summary Judgement.

JENSEN prays for all relief just and proper.

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

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//s/JasonAJensen

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Presiding

**JURY TRIAL DEMANDED BY RIGHT AND
PRIVILEGE**

**JENSEN’S MOTION FOR JOINDER
PLAINTIFF’S MOTION TO STAY AND
MOTION FOR EXTRAORDINARY WRIT
OF MANDAMUS**

COMESNOW, Intervenor Plaintiff, Jason A Jensen (“JENSEN”), under FRCP 20 in Joinder to
Plaintiff’s Motion to Stay Nevada State Case 23-CR-013015 at the Justice Court, Las Vegas Township,

Clark County, Nevada. JENSEN furthers said Motion with Petition for Extraordinary Writ of Mandamus under FRCP 21 and 28 U.S. Code § 1651 the All Writs Act. JENSEN propounds the following:

1. Present in the Defense of Mr. DeCastro's Amended Complaint, the State of Nevada and its political subdivisions have orchestrated a policy with the express intent to create "recording" and "talking" to a road-side traffic stop detainee Criminal under the legal theory of Obstruction of an Officer's duties. In the State Case, Mr. DeCastro is charged with the following crimes:

a. False stmt to/obstruct pub off [52312] under NRS 197.190 which is a Misdemeanor

b. Resist public officer [52990] under NRS 199.280.3 which is a Misdemeanor

2. Mr. DeCastro, by apparent intent of design of the State's policy, cannot mount a defense based on the rights of "traffic stop" detainees, Miranda Rights, and the principles of Berkemer v. McCarty, 468 U.S. 420, 438 (1984).

3. Mr. JENSEN cannot Motion to Intervene in a Criminal Matter at State Court. "In its order, the district court summarily denied the press's application based on the proposition that Nevada law does not permit intervention in criminal cases." Stephens Media, LLC v. Eighth Judicial District Court, 125 Nev. 849, 221 P.3d 1240 (2009)

4. This is the exact mechanism that the State is using the denial of two class person's rights, namely, Mr. DeCastro's Right to Record, Converse, and Attempt to contract for YouTube Videos by alleging "Obstruction" and "Interference" whereas the Defendant cannot claim the Rights of the Motorist subject tot he Traffic Stop; in concurrence, the driver does not have standing to assert the Rights of the videographer. In this way, both person's Rights are negated while neither person has Standing to challenge the policy.

WHEREFORE:

JENSEN requests Joinder to the Plaintiff's Motion to Stay State Proceedings; and

JENSEN request Writ of Mandamus of all Nevada Officers, John Doe(s) 1-50, from prosecuting a criminal matter upon Jose DeCastro, or any person by charge of Obstruction by exercising the Right granted to the Public in conjunction with the traffic stop detainee's Miranda Rights, with the purpose of negating Miranda Rights by presenting a case that cannot be defended as apparent by intent of design of policy and actions.

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

I, Jason A Jensen, did cause all defendants currently present and in appearance of this Court to be served electronically by the ECF/CM of the Federal Court, on this day the 12th of June 2023, as soon as the Clerk of Court files this paperwork as submitted to lv_public_docketing@nvd.uscourts.gov.

//s/JasonAJensen

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

JOSE DECASTRO,
Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
STATE OF NEVADA,
BRANDEN BOURQUE,
JASON TORREY,
C. DINGLE,
B. SORENSON,
JESSE SANDOVAL,
C. DOOLITTLE,
and DOES 1 to 50,
Defendants.

Case No. 2:23-cv-00580-APG-EJY

Honorable Judge Andrew Patrick Gordon
Presiding

**JURY TRIAL DEMANDED BY RIGHT AND
PRIVILEGE**

**JENSEN’S MOTION FOR JOINDER
PLAINTIFF’S MOTION TO RECONSIDER
STAY/PRELIMINARY INJUNCTION (ECF.
22)**

COMESNOW, Intervenor Plaintiff, Jason A Jensen (“JENSEN”), under FRCP 20 in Joinder to
Plaintiff’s Motion to Reconsider the Motion to Stay Nevada State Case 23-CR-013015 at the Justice

Court, Las Vegas Township, Clark County, Nevada. JENSEN furthers said Motion with Petition for Extraordinary Writ of Mandamus under FRCP 21 and 28 U.S. Code § 1651 the All Writs Act. JENSEN propounds the following:

1. Present in the Defense of Mr. DeCastro's Amended Complaint, the State of Nevada and its political subdivisions have orchestrated a policy with the express intent to create "recording" and "talking" to a road-side traffic stop detainee Criminal under the legal theory of Obstruction of an Officer's duties. In the State Case, Mr. DeCastro is charged with the following crimes:

a. False stmt to/obstruct pub off [52312] under NRS 197.190 which is a Misdemeanor

b. Resist public officer [52990] under NRS 199.280.3 which is a Misdemeanor

2. Mr. DeCastro, by apparent intent of design of the State's policy, cannot mount a defense based on the rights of "traffic stop" detainees, Miranda Rights, and the principles of Berkemer v. McCarty, 468 U.S. 420, 438 (1984).

WHICH WAS TO BE SUPPLEMENTAL TO THE MOTION TO INTERVENE and INTERVENOR COMPLAINT which is being delayed or has been denied or otherwise not docketed yet (an excerpt from the Intervenor Complaint):

21. "[T]he [traffic] stop and inquiry must be 'reasonably related in scope to the justification for their initiation.' Ibid. (quoting Terry v. Ohio, supra, at 29.)" Berkemer v. McCarty, 468 U.S. 420, 439 (1984)

22. "Typically, this means that the officer may ask the detainee a moderate number of questions to determine his identity and to try to obtain information confirming or dispelling the officer's suspicions. **But the detainee is not obliged to respond.**" Berkemer v. McCarty, 468 U.S. 420, 439 (1984) (emphasis added)

23. *“And, unless the detainee's answers provide the officer with probable cause to arrest him, he must then be released.” Berkemer v. McCarty, 468 U.S. 420, 439-40 (1984)*

24. *The comparatively nonthreatening character of detentions of this sort explains the absence of any suggestion in our opinions that Terry stops are subject to the dictates of Miranda. The similarly noncoercive aspect of ordinary traffic stops prompts us to hold that persons temporarily detained pursuant to such stops are not "in custody" for the purposes of Miranda. Berkemer v. McCarty, 468 U.S. 420, 440 (1984)*

25. *It is settled that the safeguards prescribed by Miranda become applicable as soon as a suspect's freedom of action is curtailed to a "degree associated with formal arrest." California v. Beheler, 463 U.S. 1121, 1125 (1983) (per curiam). If a motorist who has been detained pursuant to a traffic stop thereafter is subjected to treatment that renders him "in custody" for practical purposes, he will be entitled to the full panoply of protections prescribed by Miranda. See Oregon v. Mathiason, 429 U.S. 492, 495 (1977) (per curiam). Berkemer v. McCarty, 468 U.S. 420, 440 (1984)*

26. *“Nor do other aspects of the interaction of Williams and respondent support the contention that respondent was exposed to "custodial interrogation" at the scene of the stop.” Berkemer v. McCarty, 468 U.S. 420, 442 (1984)*

27. *“It was the compulsive aspect of custodial interrogation, and not the strength or content of the government's suspicions at the time the questioning was conducted” Berkemer v. McCarty, 468 U.S. 420, 442 n.35 (1984)*

28. *“Moreover, the typical traffic stop is conducted in public, and the atmosphere surrounding it is substantially less "police dominated" than that surrounding the kinds of*

interrogation at issue in *Miranda* and subsequent cases in which *Miranda* has been applied.” *Berkemer v. McCarty*, 468 U.S. 420, 421 (1984)

29. “However, if a motorist who has been detained pursuant to a traffic stop thereafter is subjected to treatment that renders him “in custody” for practical purposes, he is entitled to the full panoply of protections prescribed by *Miranda*.” *Berkemer v. McCarty*, 468 U.S. 420, 421 (1984)

30. To be sure, the aura of authority surrounding an armed, uniformed officer and the knowledge that the officer has some discretion in deciding whether to issue a citation, in combination, exert some pressure on the detainee to respond to questions. But other aspects of the situation substantially offset these forces. **Perhaps most importantly, the typical traffic stop is public, at least to some degree. Passersby, on foot or in other cars, witness the interaction of officer and motorist. This exposure to public view both reduces the ability of an unscrupulous policeman to use illegitimate means to elicit self-incriminating statements and diminishes the motorist's fear that, if he does not cooperate, he will be subjected to abuse.** *Berkemer v. McCarty*, 468 U.S. 420, 438 (1984) (emphasis added)

31. However, Mr. Decastro’s behavior, conversing with, and of being nearby and recording the interactions this is the exact kind of negating force *Berkemer* held “most importantly” negated the *Miranda* requirements of a Traffic Stop Detainee.

32. If, the Policy of LVMPD has a policy of creating a “buffer” or crime scene, and monopolizing the attention and ability for a traffic detainee, and charging anyone close enough to hear the conversations and provide the counterbalance to the State’s interrogation, then the Driver is entitled to *Miranda* Warnings.

33. *All defendants have been made aware of these “clearly established” rights since Berkemer in 1984, some 39 years.*

34. *In arguendo, officer safety, creating a crime scene around a traffic stop does not protect the officers. Any person seeking to harm the police need only drive around looking for a Traffic Stop, and then pull up and engage the officer in surprise.*

3. Mr. JENSEN cannot Motion to Intervene in a Criminal Matter at State Court. “In its order, the district court summarily denied the press’s application based on the proposition that Nevada law does not permit intervention in criminal cases.” *Stephens Media, LLC v. Eighth Judicial District Court*, 125 Nev. 849, 221 P.3d 1240 (2009)

4. This is the exact mechanism that the State is using the denial of two class person’s rights, namely, Mr. DeCastro’s Right to Record, Converse, and Attempt to contract for YouTube Videos by alleging “Obstruction” and “Interference” whereas the Defendant cannot claim the Rights of the Motorist subject to the Traffic Stop; in concurrence, the driver does not have standing to assert the Rights of the videographer. In this way, both person’s Rights are negated while neither person has Standing to challenge the policy.

WHEREFORE:

JENSEN requests Joinder to the Plaintiff’s Motion to Reconsider the Preliminary Injunction;

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

I, Jason A Jensen, did cause all defendants currently present and in appearance of this Court to be served electronically by the ECF/CM of the Federal Court, on this day the 13th of June 2023, as soon as the Clerk of Court files this paperwork as submitted to lv_public_docketing@nvd.uscourts.gov.

//s/JasonAJensen

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

JOSE DECASTRO,
Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
STATE OF NEVADA,
BRANDEN BOURQUE,
JASON TORREY,
C. DINGLE,
B. SORENSON,
JESSE SANDOVAL,
C. DOOLITTLE,
and DOES 1 to 50,
Defendants.

Case No. 2:23-cv-00580-APG-EJY

Honorable Judge Andrew Patrick Gordon
Presiding

**JURY TRIAL DEMANDED BY RIGHT AND
PRIVILEGE**

**JENSEN’S MOTION FOR LEAVE TO FILE
SUGGESTIONS IN OPPOSITION TO
DEFENDANT’S MOTION TO DISMISS**

COMESNOW, Intervenor Applicant, Jason A Jensen (“JENSEN”), seeks Motion for Leave to File SUGGESTIONS IN OPPOSITION TO DEFENDANTS LVMPD, OFC. BOURQUE, OFC. DINGLE; OFC. SORENSON, OFC. SANDOVAL (ECF. 15) AND OFC. DOOLITTLE’S MOTION

FOR PARTIAL DISMISSAL; AND DEFENDANT TORREY'S JOINDER TO MOTION FOR PARTIAL DISMISSAL (ECF. 17) under L.R. 7.2(g).

WHEREFORE:

JENSEN prays this Court to allow JENSEN to file the SUGGESTIONS IN OPPOSITION TO DEFENDANTS LVMPD, OFC. BOURQUE, OFC. DINGLE; OFC. SORENSON, OFC. SANDOVAL (ECF. 15) AND OFC. DOOLITTLE'S MOTION FOR PARTIAL DISMISSAL; AND DEFENDANT TORREY'S JOINDER TO MOTION FOR PARTIAL DISMISSAL (ECF. 17) attached to this Motion.

JENSEN prays for all relief just and proper.

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

I, Jason A Jensen, did cause all defendants currently present and in appearance of this Court to be served electronically by the ECF/CM of the Federal Court, on this day the 13th of June 2023, as soon as the Clerk of Court files this paperwork as submitted to lv_public_docketing@nvd.uscourts.gov.

//s/JasonAJensen

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

JOSE DECASTRO,
Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
STATE OF NEVADA,
BRANDEN BOURQUE,
JASON TORREY,
C. DINGLE,
B. SORENSON,
JESSE SANDOVAL,
C. DOOLITTLE,
and DOES 1 to 50,
Defendants.

Case No. 2:23-cv-00580-APG-EJY

Honorable Judge Andrew Patrick Gordon
Presiding

**JURY TRIAL DEMANDED BY RIGHT AND
PRIVILEGE**

**JENSEN'S SUGGESTIONS IN OPPOSITION
TO DEFENDANTS LVMPD, OFC.
BOURQUE, OFC. DINGLE; OFC.
SORENSON, OFC. SANDOVAL (ECF. 15)
AND OFC. DOOLITTLE'S MOTION FOR
PARTIAL DISMISSAL; AND DEFENDANT
TORREY'S JOINDER TO MOTION FOR
PARTIAL DISMISSAL (ECF. 17)**

COMESNOW, Intervenor Plaintiff, Jason A Jensen (“JENSEN”), with the following Suggestions in Opposition to the Defendant’s Motion to Dismiss:

1. Qualified Immunity, an Affirmative Defense, originally referred to as “good-faith immunity”, is an element of Sovereignty.
2. “That Harlow ‘completely reformulated qualified immunity along principles not at all embodied in the common law,’ *Anderson v. Creighton*, 483 U.S. 635, 645, 107 S.Ct. 3034, 3042, 97 L.Ed.2d 523 (1987), was reinforced by our decision in *Mitchell v. Forsyth*, 472 U.S. 511, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985). *Mitchell* held that Harlow established an “immunity from suit rather than a mere defense to liability,” which, like an absolute immunity, “is effectively lost if a case is erroneously permitted to go to trial.” 472 U.S., at 526, 105 S.Ct., at 2815 (emphasis supplied). Thus, we held in *Mitchell* that the denial of qualified immunity should be immediately appealable. *Id.*, at 530, 105 S.Ct., at 2817.” *Wyatt v. Cole*, 504 U.S. 158, 166, 112 S. Ct. 1827, 1832, 118 L. Ed. 2D 504 (1992)
3. “First, as THE CHIEF JUSTICE acknowledges, modern qualified immunity does not turn upon the subjective belief of the defendant. *Post*, at 1839, n. 2. Second, the immunity diverges from the common-law model by requiring the defendant, not the plaintiff, to bear the burden of proof on the probable-cause issue.” *Wyatt v. Cole*, 504 U.S. 158, 172, 112 S. Ct. 1827, 1836, 118 L. Ed. 2D 504 (1992)
4. “The Court notes that we have recognized an immunity in the § 1983 context in two circumstances. The first is when a similarly situated defendant would have enjoyed an immunity at common law at the time § 1983 was adopted. *Ante*, at 1831. The second is when important public policy concerns suggest *176 the need for an immunity.” *Wyatt v. Cole*, 504 U.S. 158, 175–76, 112 S. Ct. 1827, 1837, 118 L. Ed. 2D 504 (1992) (Chief Justice REHNQUIST, with whom Justice SOUTER and Justice THOMAS join, dissenting.)

5. “Cole and Robbins had acted under color of state law within the meaning of § 1983, it affirmed the District Court's grant of qualified immunity to respondents. In so doing, the Court of Appeals followed one of its prior cases, *Folsom Investment Co. v. Moore*, 681 F.2d 1032 (CA5 1982), in which it held that “a § 1983 defendant who has invoked an attachment statute is entitled to an immunity from **1831 monetary liability so long as he neither knew nor reasonably should have known that the statute was unconstitutional.” *Id.*, at 1037. The court in *Folsom* based its holding on two grounds. First, it viewed the existence of a common law-probable cause defense to the torts of malicious prosecution and wrongful attachment as evidence that “Congress in enacting § 1983 could not have intended to subject to liability those who in good faith resorted to legal process.” *Id.*, at 1038. **Although it acknowledged that a defense is not the same as an immunity, the court maintained that it could “transfor[m] a common law defense extant at the time of § 1983's passage into an immunity.”** *Ibid.* Second, the court held that while immunity for private parties is not derived from official immunity, it is based on “the important public interest in permitting ordinary citizens to rely on presumptively valid state laws, in shielding citizens from monetary damages when they reasonably resort to a legal process later held to be unconstitutional, and in protecting a private citizen from liability when his role in any unconstitutional action is marginal.” *Id.*, at 1037. In defending the decision below, respondents advance both arguments put forward by the Court of Appeals in *Folsom*. Neither is availing.” *Wyatt v. Cole*, 504 U.S. 158, 163, 112 S. Ct. 1827, 1830–31, 118 L. Ed. 2D 504 (1992)
6. **“Section 1983 ‘creates a species of tort liability that on its face admits of no immunities.’** *Imbler v. Pachtman*, 424 U.S. 409, 417, 96 S.Ct. 984, 988, 47 L.Ed.2d 128 (1976). Nonetheless, we have accorded certain government officials either absolute or qualified immunity *164 from suit if the ‘tradition of immunity was so firmly rooted in the common law and was supported by such strong policy reasons that ‘Congress would have specifically so provided had it wished to abolish the doctrine.’ ‘ *Owen v. City of Independence*, 445 U.S. 622, 637, 100 S.Ct. 1398, 1408,

63 L.Ed.2d 673 (1980) (quoting *Pierson v. Ray*, 386 U.S. 547, 555, 87 S.Ct. 1213, 1218, 18 L.Ed.2d 288 (1967)). **If parties seeking immunity were shielded from tort liability when Congress enacted the Civil Rights Act of 1871—§ 1 of which is codified at 42 U.S.C. § 1983—we infer from legislative silence that Congress did not intend to abrogate such immunities when it imposed liability for actions taken under color of state law.** See *Tower v. Glover*, 467 U.S. 914, 920, 104 S.Ct. 2820, 2824, 81 L.Ed.2d 758 (1984); *Imbler*, *supra*, 424 U.S., at 421, 96 S.Ct., at 990; *Pulliam v. Allen*, 466 U.S. 522, 529, 104 S.Ct. 1970, 1974, 80 L.Ed.2d 565 (1984). **Additionally, irrespective of the common law support, we will not recognize an immunity available at common law if § 1983's history or purpose counsel against applying it in § 1983 actions.** *Tower*, *supra*, 467 U.S., at 920, 104 S.Ct., at 2824. See also *Imbler*, *supra*, 424 U.S., at 424–429, 96 S.Ct., at 992–994.” *Wyatt v. Cole*, 504 U.S. 158, 163–64, 112 S. Ct. 1827, 1831, 118 L. Ed. 2d 504 (1992)

7. “The sovereignty of each State ... implie[s] a limitation on the sovereignty of all its sister States.’ *World-Wide Volkswagen*, 444 U.S., at 293, 100 S.Ct. 559.” *Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cnty.*, 582 U.S. 255, 263, 137 S. Ct. 1773, 1780, 198 L. Ed. 2D 395 (2017)
8. So does the Nature of Sovereignty itself- imply limitation. “In the Constitution the term State most frequently expresses the combined idea just noticed, of people, territory, and government. A State, in the ordinary sense of the Constitution, is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and **limited by a written constitution**, and established by the **consent of the governed**.” *Texas v. White*, 74 U.S. 700, 19 L. Ed. 227 (1868), overruled on other matters by *Morgan v. United States*, 113 U.S. 476, 5 S. Ct. 588, 28 L. Ed. 1044 (1885) (emphasis added)
9. Tantamount to this “Consent of the Governed” and concept of a union of persons, must be an implication that the Government or Sovereign, cannot hold a “compelling interest” in that which

erodes the union itself and/or the consent of those governed. Put simply, no sovereign can lawfully maintain war with itself.

10. If the Magna Carta, and similar effects of the time, was the cross-roads from Natural Law into formation of Common Law, then the Constitution is the cross-roads of Common Law in the Creation of a Civil Law Jurisdiction. Put another way, the Constitution is a Common Law Document which is the Foundation of a Civil Law Jurisdiction or Sovereign.
11. This is what “Sovereign Citizens” fail to grasp. That basically the sovereign comes from the people in a geographical area **in union** for Common Law. Put simply, no army no sovereignty. Ergo, no person is or will ever be a nation upon themselves with any element of sovereignty.
12. But, on the same coin but perhaps the flip-side, the Sovereign cannot abuse its ultimate authority, or sovereignty, by policies and law that undermine the union of its people. To do so is to shatter the union which is its source of Sovereignty.
13. This is exactly what “Qualified Immunity” has become. This immunity has been exerted from various States in absurd degrees without reference to any “good faith” notions. To date, there are millions of police abuse videos on YouTube and the number grows each day. Common displays of State Sovereignty in plain compliance of failure to obey orders with tasers, irrational exercises of State Sovereignty, such as killing a man who is suicidal for safety, resorting to violence on a “drop of the hat”, the list is rather quite endless. But the implication is tantamount to a declaration of war with its own people, or at least large subsections of the population.
14. Worse than that, is that the State, under this Clearly Established Affirmative Defense “Right”, notion, has repeatedly exercised discretion to the same goals in overriding the restrictions of the Bill of rights, each time needing the people to expend tremendous resources to restore their standing of rights. The present case, is just another fashion of curtailing the First Amendment Rights of the Public. With seemingly no restriction of the erosion of Rights in the name of

Safety, no union is forever bound, and the public's waning of "consent" to be governed is being diluted. This could never be more apparent than survey of discontent within the minor aged population versus the elder "baby boomers".

15. To be noted, that the Officers in this case allege that, in a parking lot, with Mr. DeCastro at an approximate 10 feet distance of a parking area or lot, was a element of safety, presented by a "clear and present danger" that shall have been applied to the immediate area. Failure of Mr. DeCastro to obey these "safety" orders to back up beyond 10 approximate feet resulted in his arrest, while the traffic stop detainee was almost immediately released, resulted in "obstruction" and "interference" of that officer's traffic stop duties because DeCastro was "recording" and "talking" tot he detainee.
16. However, no actual inference to the hazards of a traffic stop were ever presented. In fact, the public policy and law is that officer safety is nearly unlimited in authority and need to demonstrate a compelling interest.
17. The "Contacts Between Police and the Public, 2020" Special Report to Congress published November 2022 by the Department of Justice can shed light on this "compelling interest" NCJ 304527 ("Special Report").
18. This Special Report indicates that in 2020 there were 53.8 million contacts with U.S. Residents over the age of 15. Of which, 16,709,200 were traffic stops of the driver and 4,918,700 stops for the passenger; additionally there were 2,626,500 "street stops". This totals to 24,254,400 stops where encounters are "Miranda" free.
19. The Special Report states that "About 1% of drivers pulled over in traffic stops had physical force used against them by police."

TABLE 8

Percent of U.S. residents age 16 or older whose most recent police contact was police-initiated or related to a traffic accident, by race or Hispanic origin and police action, 2018 and 2020

	2018					2020				
	Total	Race/Hispanic origin				Total	Race/Hispanic origin			
		White ^{a*}	Black ^a	Hispanic	Other ^{a,b}		White ^{a*}	Black ^a	Hispanic	Other ^{a,b}
Any police action ^{c,d}	3.7%	2.7%	6.8% †	5.9% †	2.5%	3.7%	3.0%	7.0% †	4.5% †	2.6%
Shouting	1.7%	1.2%	2.9% †	3.0% †	1.5%	1.6%	1.4%	3.1% †	1.6%	1.4%
Cursing	0.6%	0.5%	1.7% †	0.7%	:	0.6%	0.5%	1.4%	:	:
Threat/nonfatal use of force ^e	2.8%	2.0%	5.3% †	4.8% †	1.9%	2.7%	2.1%	5.5% †	3.4% †	1.8%
Threat of force	0.7	0.5	2.0 †	1.2 ‡	:	0.6	0.3	2.2 †	0.8 ‡	:
Handcuffing ^f	2.3	1.6	4.4 †	3.5 †	1.9	2.1	1.9	2.9	2.8 ‡	1.7
Pushing/grabbing/hitting/kicking	0.7	0.4	1.6 †	1.4 †	0.8	0.7	0.5	1.6 †	0.7	:
Using weapon/other force ^g	0.4	0.2	0.9 †	0.8 ‡	:	0.2	0.1	:	0.0 ^h	:

20. Moreover, any person has potential to do harm. Even a wheelchair bound veteran is not someone to be underestimated at a careless degree. But exercising fear on any degree of potential is not reasonable. Police across the nation routinely take the stance that if you are “opposed” to their interests, such as not answering questions, refusing to provide identifying information without probable cause or whatever the exact implement requirements of a Terry stop consists of, specifying that “recording” itself is “suspicious” warranting an “investigation” whereas the subject is “required” to provide a photo ID. In conflict breeding fashion, if a person were to bring action against the officer for giving “unlawful” orders – that case would be less probable for Plaintiff relief than this one and the outlook of this case is dismal if DeCastro is forced to proceed independently.
21. The Constitution of the United States and Bill of Rights is approximately 7,500 words. This document has gendered affinity to the union beyond compare to other nations, governments, and documents of formation.
22. However, from that Document, and the Rights Sought To Protect, approximately 95,000 pages of Federal Civil Statute Code has been enacted with somewhere about the same size body of text for the Code of Federal Regulations.

23. Dwarfing that body of Civil Codes, is the insurmountable legal opinion associated. The courtlistener.com RECAP project takes donations on PACER documents in a community legal access project. Any person can download these databases via the Bulk Data download options. Available is an "opinion[...].csv" (comma separated file) that is compressed to approximately 30 gigabytes or billion bytes. Uncompressed, this data file balloons to around 200 gigabytes or billion bytes. Encoded in the ASCII data-bit format, each byte represents a character of text. At an approximate 200 billion characters of opinion text, this only represents the data donated to the RECAP project which is highly abridged.
24. Essential to the existence of a Right, is the ability to defend the exercise or enforce option that Right. However, the people rights, all of them, require the operation of this body of law, which is beyond human capacity.
25. It should be noted, that while each state has a body of law less in breadth than the Federal Law, the combined 50 states dwarfs the Federal Jurisdiction as well. A person, except a mentally ill person with a broken mind from the very size of the law with Sovereign Citizen notions, must heed and be subject to the entirety of that law. As no man can even comprehend such a thing, they very well cannot follow it. As the ability to act lawfully is so convoluted to obtain surety, the law cannot maintain the respect of the people.
26. The Police may believe Mr. DeCastro to be a vile man, with words of acid to the soul-- but whatever they regard him, the State must accept he is a product of their creation, discontent in this Union. He is joined by CopWatch, hundreds of auditors, and, worse, is part of a group of unassociated individuals in common goal funded, fueled, and maintained by worldwide viewership on social media, such as YouTube.

WHEREFORE,

JENSEN would request denial of qualified immunity and commencement of the resultant immediate appeal.

Sincerely and Respectfully Submitted,

//s/JasonAJensen

Jason A Jensen

CERTIFICATE OF SERVICE

I, Jason A Jensen, did cause all defendants currently present and in appearance of this Court to be served electronically by the ECF/CM of the Federal Court, on this day the 13th of June 2023, as soon as the Clerk of Court files this paperwork as submitted to lv_public_docketing@nvd.uscourts.gov.

//s/JasonAJensen



Jason Jensen <jasonajensen@gmail.com>

2:23-cv-00580-APG-EJY: DeCastro v. Las Vegas Metropolitan Police Department et al

6 messages

Jason Jensen <jasonajensen@gmail.com>

Mon, Jun 12, 2023 at 11:30 AM

To: Craig Anderson <canderson@maclaw.com>, lv_public_docketing@nvd.uscourts.gov, Chille DeCastro <chille@situationcreator.com>

Dear Clerk of Court,

Please File the attached documents in the above captioned case.

All my signatures are electronic and by this email digitally signed with encryption of my Google Gmail account. This amounts to the most secure signature I can produce. My handwritten signature is not more authoritative than my encrypted signature.

Thank You!

Regards,

Jason A Jensen

4 attachments **IFP.pdf**
288K **DeCastro v LVMPD et al - Motion to Intevene.pdf**
31K **DeCastro v LVMPD et al - Intervenor Complaint.pdf**
57K **DeCastro v LVMPD et al - Motion to Strike.pdf**
29K

Jason Jensen <jasonajensen@gmail.com>

Mon, Jun 12, 2023 at 11:49 AM

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2 attachments



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