

**IN THE SUPERIOR COURT OF THE STATE OF RIDGEWAY
IN AND FOR RIDGEWAY COUNTY**

CYBERPHILIAC,
Plaintiff,

v.

MATRIX_OC, in his individual capacity and
quasi-official capacity as Commander-in-Chief
of the Ridgeway National Guard,
Defendant.

No. RSC-CV-3153

COMPLAINT

Cyberphiliac, by and through undersigned counsel, hereby bring this action against Matrix_oc and in support thereof alleges as follows—

STATEMENT OF FACTS

1. On June 26, 2024, Cyberphiliac (“Plaintiff”) and Dataglitchs (Plaintiff’s “friend”) traveled in a vehicle on 1050 Dana Street in Oakland, Ridgeway County, Ridgeway.
2. Plaintiff and his friend parked and exited the vehicle at 1000 Alma Way in Oakland—a residential house owned by BrandonnLUV (the “house”).
3. Plaintiff and his friend walked to a window on the house and saw three officers of the Ridgeway National Guard standing inside: Vincefant, Matrix_oc (“Matrix_oc” or “Defendant”), and BrandonnLUV.
4. All three officers were armed and wearing official uniforms.
5. Plaintiff, standing in front of the window, asked the officers for permission to enter the house. However, the officers did not reply and remained silent during the entire exchange.
6. After having been ignored by the three officers, Plaintiff and his friend promptly returned to the vehicle in order to leave the property.
7. Before Plaintiff and his friend left, Matrix_oc said something inaudible.
8. Plaintiff and his friend exited the vehicle and approached the window again to ask about what Matrix_oc had said.
9. Suddenly, Matrix_oc said, “get off the property.” When Plaintiff and his friend did not immediately leave the property, Matrix_oc started counting down from five seconds.
10. When he reached one second, Matrix_oc brandished a hand-held weapon resembling a baton (the “baton”) and smashed the window with it.
11. Plaintiff and his friend were clearly standing close to the window at the time.

12. When smashing the window, Matrix_oc struck Plaintiff with the baton and caused physical injury to Plaintiff's person.

13. The attack caused Plaintiff and his friend to reasonably apprehend immediate harmful and offensive contact to their persons.

14. Plaintiff and his friend fled to the vehicle in fear for their lives.

15. Matrix_oc jumped through the broken window and tried to chase them down.

16. When Plaintiff and his friend got in the vehicle, Matrix_oc brandished a conducted electrical weapon ("Taser"). Matrix_oc suddenly discharged the Taser toward the vehicle.

17. The attack once again caused Plaintiff and his friend to reasonably apprehend immediate harmful or offensive contact to their persons.

18. At all times herein, Plaintiff and his friend were visibly and clearly unarmed.

19. At all times herein, Plaintiff and his friend did not engage in any criminal, threatening, or dangerous activity.

20. At all times herein, BrandonnLUV had not previously told Plaintiff and his friend to leave his property.

21. At all times herein, no sign had been visibly posted informing Plaintiff and his friend that entry onto the property was disallowed.

22. At all times herein, Matrix_oc acted intentionally and voluntarily.

23. At all times relevant herein, Matrix_oc acted unconstitutionally.

24. At all times relevant herein, Matrix_oc acted without legal cause or justification.

25. At all times relevant herein, Matrix_oc's actions were unauthorized.

26. At all times relevant herein, Matrix_oc knew his actions to be unauthorized.

JURISDICTION AND VENUE

27. The Court has original jurisdiction over this Complaint under Article V, Section IV of the Ridgeway Constitution.

28. The Court's jurisdiction is invoked in equity.

29. Venue is proper in this Court because the actions and omissions alleged in this Complaint occurred in the State of Ridgeway.

PARTIES

30. Plaintiff Cyberphiliac is a resident of the State of Ridgeway and an individual.

31. Defendant Matrix_oc is the Commander-in-Chief of the Ridgeway National Guard.

FIRST CAUSE OF ACTION
Battery
(Violation of Rid. Civil Claims Act, 1 R. Stat. § 3102)
Plaintiff Cyberphiliac against Matrix_oc in his individual capacity

32. Plaintiff Cyberphiliac incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

33. Defendant brought unconsented harmful or offensive contact against Plaintiff by striking him with a baton and causing him to suffer physical injury to his person. Defendant is liable in his individual capacity because his actions as alleged herein are unconstitutional under due process. See e.g. *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S., at 697 (1949) (holding that public officers are individually liable for their "unconstitutional use of power");¹ see generally Mechem (Treatise on the Law of Public Offices and Officers) § 842 ("Where ... a public officer or agent ... actions ... beyond the scope of the authority so conferred, his actions bind himself alone or no one.") Under the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution, Plaintiff enjoys a right to be free from the deprivation of "life, liberty, or property, without due process of law." U.S. Const., Amdt. XIV.² The Due Process Clause of the Fourteenth Amendment includes a concept of "personal bodily integrity and the right to be free of **unauthorized and unlawful physical abuse** . . ." See *United States v. Lanier*, 520 U.S. 262 (1997) (emphasis added.) Defendant's violent actions were unauthorized, unlawful, and violative of Plaintiff's due-process right to be free of unauthorized and unlawful physical abuse. Plaintiff's right to be free from such physical abuse was clearly established at the time.

34. Plaintiff is entitled to compensatory damages and punitive damages.

¹ The holding in *Larson* affirmed the age-old principle that an officer of the State only has power to act within constitutional bounds, and that "his actions beyond those limitations are considered individual and not sovereign actions." *Id.* at 689; see also e.g. *Hopkins v. Clemson College*, 221 U. S. 636, 221 U. S. 643 (1911), " . . . neither a state nor an individual can confer upon an agent authority to commit a tort, so as to excuse the perpetrator." Because illegal or unconstitutional actions of an officer cannot be "validly authorized by the sovereign," *Larson* at 697, a suit for specific relief against the officer in their individual capacity must be maintained. *Ibid.*

² The Supreme Court of Ridgeway has generally recognized an incorporated right to due process under the Fourteenth Amendment to the U.S. Constitution. See e.g. *Proceed101 v. State of Ridgeway*, 2 Rid. ____ (2023) (finding that Petitioner's right to due process under the "Fourteenth Amendment to the U.S. Constitution" was not violated by the Superior Court at trial); see also *State v. Lxnias*, 1 Rid., at 502 (2022) (Jackson, J., concurring) (certain rights are "incorporated by the Constitution of the United States[,] and a person can sue a state official for "a violation of a liberty or right ensured by the United States Constitution").

SECOND CAUSE OF ACTION
Deprivation of Rights
(Violation of Rid. Civil Claims Act, 1 R. Stat. § 3115)
Plaintiff Cyberphiliac against Matrix_oc in his individual capacity

35. Plaintiff Cyberphiliac incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

36. Defendant's battery on Plaintiff as set forth in the First Cause of Action above deprived Plaintiff of his right to due process. Defendant subjected Plaintiff to unauthorized and unlawful physical abuse by striking Plaintiff with a baton without legal cause or justification, probable cause or reasonable suspicion of a crime. Plaintiff's right under the Fourteenth Amendment to be free from such physical abuse was clearly established at the time.

37. Plaintiff is entitled to compensatory damages, injunctive relief, and punitive damages.

THIRD CAUSE OF ACTION
Official Misconduct
(Violation of Rid. Civil Claims Act, 1 R. Stat. § 3114)
Plaintiff Cyberphiliac against Matrix_oc in his quasi-official capacity as Commander-in-Chief

38. Plaintiff Cyberphiliac incorporates by reference each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

39. Defendant's battery on Plaintiff as set forth in the First Cause of Action above was unauthorized due to its unlawful, illegal, and/or unconstitutional nature. Defendant knew that his actions were unauthorized because they lacked legal cause or justification, lacked probable cause or reasonable suspicion of a crime, and because Plaintiff's right protected under the Fourteenth Amendment to be free from physical abuse was clearly established at the time.

40. Plaintiff is entitled to compensatory damages, injunctive relief, and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows—

- A. For an order declaring that Defendant battered Plaintiff;
- B. For an order declaring that Defendant deprived Plaintiff of his right to due process;
- C. For an order declaring that Defendant committed official misconduct;
- D. For awardment of compensatory damages;
- E. For awardment of punitive damages;
- F. For a permanent injunction prohibiting Defendant from knowingly approaching or

entering Plaintiff's immediate vicinity;

G. For awardment of attorney's fees and court costs;

H. For such other and further relief as the Court deems appropriate.

DATED: JULY 5, 2024
Palmer County Hall

CENTER FOR INDIVIDUAL RIGHTS

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