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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON - EUGENE DIVISION

Eric T Jackson, et al. §
Plaintiff; §
vs § _____
Gregory Gill et al. § Case # 6:20-cv-00906-MK
Defendant(s). § Assigned to:
§ Magistrate Judge
§ Mustafa T. Kasubhai
§
§
§ -BREACH OF CONTRACT
§ & COLLUSION;
§ -42 USC 1983;
§ -MONELL;
§ -JURY DEMAND;
§ -TRO/ Injunctive
§ relief
§

FIRST AMENDED COMPLAINT

1. The grounds for this 42 USC 1983 Prayer for Relief will succeed on its merits; I will demonstrate knowing Constitutional Violation by Eugene Police Officers, Continuing Policy from the County of Lane & City of Eugene and Eugene Police and Eugene Public Works Department and Parks and Open Spaces Department both operating under the City of Eugene.
2. The venue is proper because at all times relevant, all of the PLAINTIFFS resided in this district and all of the wrongful acts and/or omissions complained of herein occurred in this judicial district.
3. Additionally, this Court has jurisdiction over all other Claims, because all of the claims arise from a common nucleus of operative facts that are so intertwined that they cannot be reasonably separated.
4. Law Enforcement Officers (LEO) Defendants knowingly by consistent action or policy ignore the 1st amendment by excessive restriction and retaliation; 14th amendment of equal protection & due process of law; the 8th amendment knowing well thousands in collections exist from excessive

fines; the 4th and 5th amendments-acting under Color of Law officers and city & county non-police staff: wrongfully engage, harassment, execute or compel false arrest, execute unlawful handcuffed detention, search, seize, intentionally & negligently destroy property; negligently inflicted mental distress, I acknowledge the missing rung and I can not prove intentional inflicted mental distress easily before discovery, but surely I can support negligent indifference for all named defendants based in past and continuing current accosting of the homeless in Eugene most times lacking any probable cause.

5. Agency and Concert of Action - At all times herein mentioned. Defendants, and each of them, hereinabove, were the agents, servants, employees, partners, aiders and abettors, co-conspirators, and/or joint venturers of each of the other Defendants named herein and were at all times operating and acting within the purpose and scope of said agency, service, employment, partnership, enterprise, conspiracy, and/or joint venture, and each Defendant has ratified and approved the acts of each of the remaining Defendants. Each of the Defendants aided and abetted, encouraged, and rendered substantial assistance to the other Defendants in breaching their obligations to Plaintiffs, as alleged herein. In taking action to aid and abet and substantially assist the commission of these wrongful acts and other wrongdoings complained of, as alleged herein, each of the Defendants acted with an awareness of his/her/its primary wrongdoing and realized

that his/her/its conduct would substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing.

Criminal Trespass 2 (CT2, hereafter), letter on file 4.807

6. The City of Eugene and the Eugene Police Department solicited businesses, mostly located in the downtown area, to provide them with a letter of trespass to keep on file. This letter allows the officer to act as an agent for the property. This allows police without contacts from owners to inform somebody that their presence is not desired. However, the policy does not require the police first to give a warning to the individual to leave or they will be charged. Eugene Police Department operating under the Municipal corporation of the CITY OF Eugene, either through written policy or long-standing practice does not act as an agent, failing to inform an individual on behalf of the property, that they are not welcome to hang around the property, EPD officers go directly to detain individuals and issue trespass tickets search and arrest individuals perform warrant checks and often find contraband in the illegal search. Weber v The city of Grand Rapids has similar facts in Case 1:13-cv-00469-PLM where the federal court found it to be unconstitutional to utilize a letter on file without an auditory warning, acknowledgment, and opportunity to leave before issuing a citation for an arrestable/jailable offense. The following week I testified at the city council informing on my belief the policy was unconstitutional because the letter was not

followed nor was an individual given any warning Beyond perhaps a sign painted on the sidewalk or building front by police after the letter was filed. I informed the City Manager Jon Ruiz, the City Council, the City Attorney but I would fight the ticket. I also informed them of an impending federal complaint if the policy were not updated to cause LEO to first give a warning.

7. Count 1

On 6-12-2018 officer Joseph Fritts, under color of law detained and ticketed me for CT2 EMC 4.807, based on a letter on file, at 1 East Broadway Eugene Oregon, the charge was then dismissed before trial. I was detained, grabbed by Fritts and his partner, and while being handcuffed my GoPro camera was knocked out of my hand to the ground causing minor damage, while in handcuffs my pockets were searched and my wallet was seized and used for identification purposes. I was never informed to leave the property. There was no probable cause for such an arrest or detention or issuance of a criminal citation that would further occupy my time in court. Fritts violated my fourth amendment rights of the US Constitution. I question the letter on file and ask for a declaratory judgment that an arrest without LEO first asking an individual to leave the property and granting me the ability to leave is a violation of Constitutional Rights. I ask that punitive damages, retrospective damages, and compensatory damages in the form of a money judgment in compensation for wrongs be awarded as a Jury sees fit.

8. Count 2

Plaintiff incorporates and restates each of the above paragraphs as fully set forth herein.

On 9-3-2018 officer Allison Jordan, under color of law detained and ticketed me for CT2, based on a letter on file, in the alley behind the Eugene Hotel, the charges were then dismissed. I was never informed to leave the property. There was no probable cause for such an arrest or detention or issuance of a criminal citation that would further occupy my time in court. Jordan violated my fourth amendment rights of the US Constitution, and I question the letter on file and ask for a declaratory judgment that an arrest without LEO first asking an individual to leave the property and granting me the ability to leave is a violation of Constitutional Rights. I ask that punitive damages, retrospective damages, and compensatory damages in the form of a money judgment in compensation for wrongs be awarded as a Jury sees fit. Knowing officer Jordan before this event and her background as a law school graduate, I asked her if she had read the letter on file that she was attempting to enforce now, she replied "no I haven't, shouldn't I be able to trust my supervisors when they direct me to do a job." Officer Allison Jordan's immediate supervisor is Sergeant Julie Smith, and Julie Smith's supervisor is Douglas L Mozan.

9. Count 3

Jon Ruiz City manager for the City of Eugene EMC 2.019, Jon creates and maintains and can alter the administrative policy and procedure. It still stands without alteration or correction after being informed of the above-mentioned lack

of LEO to act as an agent for the property by failing to ask individuals to leave. Ruiz or Mayor Lucy Vinis each possessed the administrative authority at any time to abate the policy or update the policy and practice. This practice violates the Fourth Amendment of the US Constitution and continues to cause irreparable harm, is mostly used against the homeless, and not enforced against house residents with local ID in violation of the Fourteenth Amendment of equal protection. I ask that punitive damages, retrospective damages, and compensatory damages in the form of a money judgment in compensation for wrongs be awarded as a Jury sees fit. I also asked for a declaratory judgment determining if the policy be deemed unconstitutional on its face and the practice of enforcement, and injunctive relief if I am correct..

Prohibited Camping 4.815; Violation of Park Rules; Parks

Open Spaces and City Facilities exclusion.

10. a) After the decision in Martin v Boise, The City of Eugene continues to practice the policy and enforcement of the prohibited camping ordinance EMC 4.815, although the City and Lane County offer only 35% of the needed shelter beds to satisfy the Constitutional standard for enforcement against the known homeless in 2019. The city's justification was that it was a minimal fine and not a criminal offense. The 9th circuit in their opinion made it clear that the criminalization of the homeless for life behaviors such as possession of personal property, sleeping, and eating could not be helped but to be done in public places, where I'm being met with unwelcome police

interaction for those behaviors. The ruling was clear that the City must provide ample space for the entire homeless population before they would be allowed to enforce prohibited camping violations on public property. Additionally in Boise Supreme Court clarifies that homeless individuals may protect themselves from the elements. I believe the elements to include sun, rain, heat, cold, snow, rodent, and insect protection.

b) On February 20th the United States Supreme Court No. 17-1091, The Court unanimously ruled that the Eighth Amendment's prohibition of excessive fines is incorporated protection applicable to the states under the Fourteenth Amendment in Timms v Indiana. Justice Ruth Bader Ginsburg writing the consenting opinion further expressed that Municipalities should not utilize the application of excessive fines to pad their books because it violated the 8th Amendment Constitution. My collection actions for debt to the City of Eugene for prohibited camping guilty findings by the Bench limited hearings currently exceeding \$10,000 for the year 2019.

c) Martin v Boise and Timbs v Indiana were both Landmark rulings that came out before my first guilty finding from a limited bench hearing and denial of a motion to dismiss for the above-mentioned reasons.

d) The Eugene Police Department along with the Parks Department utilizes the threat of jailing and park exclusion for receiving a ticket for violating park rules, When these violations of park rules are as simple as having a sleeping bag over or under you in a park or having your

personal property and camping type backpacks while sitting on the grass against the tree with your eyes closed. These policies and procedures are unconstitutional and lack equal application to housed people exhibiting the same behavior, and I have received both the park exclusion as well as violating park rules citation for erecting a teepee shelter On July 28th of 2020. This matter is still pending in the Municipal Court, yet the unlawful restriction of movement for the exclusion is likely fruit of the unconstitutional poisonous tree, and already served. My exclusion was for 30 days restricting me from Parks, open spaces, City facilities as the document reads. The park exclusion issued by police officers is basically sentencing at the same time they issue the ticket, and creating an immediate jailable offense of 4.807 for CT2 without due process of law, The appeal process for this exclusion also violates due process of law by asking it would be defending to surrender their 5th Amendment rights by testifying to a city agent in the appeal. The appeal is also next to impossible to satisfy the requirements of the City, by a homeless person.

I request emergency tro and primary injunctive relief in these matters because they affect the entire homeless community, and it is in the interest of the public not to cause undue harm to the homeless residents of Eugene, where police supported by public tax dollars are violating their constitutional rights Under the 8th Amendment, as ruled by the 9th circuit, and The Supreme Court when Boise was denied certiorari, along with the most recent from our

local district court in Grants Pass. Yet the City of Eugene and their parks department, and Public Works, and police continue to criminalize homelessness even though the CDC recommended homeless shelter in place for covid-19.

11. Count 4

Plaintiff incorporates and restates each of the above paragraphs as fully set forth herein.

On 9-7-2018 I was cited by Jennifer Peckles under color of law As Applied to me because I was known to Peckles to be homeless and cited for prohibited camping 4.815, I was woken by Peckles at the corner of Broadway in Charnelton after the Boise decision, Officer Peckles and Officer Alvarez stood over the four of us waking us from a sound sleep and being joined by security officers from the downtown causing us embarrassment and ridicule for being homeless in public spaces in violation of Boise. I ask that punitive damages, retrospective damages, and compensatory damages in the form of a money judgment in compensation for wrongs be awarded as a Jury sees fit.

12. Count 5

Plaintiff incorporates and restates each of the above paragraphs as fully set forth herein.

On 10-1-2018 Officer Jason Bo Rankin, in violation of Martin v Boise As Applied to me, which was known to both me and the defendant at the time of issue. Rankin woke me from sleep, and I am known to Rankin to be homeless, myself and others were protesting expressing First Amendment rights for the redress of the City's recent opinion of the 9th

circuit decision. Where the City claims it does not affect the City of Eugene because it does not arrest, therefore there is no criminal action taken. This announcement was made by City attorney, defendant Ben Miller and not in concert with the Boise decision.

13. **Count 6**

Plaintiff incorporates and restates each of the above paragraphs as fully set forth herein.

Ben Miller's announcement was outside the performance of his prosecutorial duties with his release on behalf of the City to the press, but the announcement did cause irreparable harm to the plaintiff and the homeless community over the following two years, through continued harassment, criminalization, unwelcome interaction with police, and led to the arrest and or ticketing of the plaintiff on multiple occasions. Miller's opinion was not in concert with the decision of the ninth circuit in Martin v Boise as applied and became the continued policy of the City of Eugene as well as the Eugene Municipal Court operated by the City and its contracted agents under color of law, though there was a clearly established Federal decision to the contrary. The 9th circuit in Martin v Boise issued orders compelling municipalities to provide adequate places where their homeless population could legally sleep and perform life activity, and that until such time there are legal places provided it would be a violation of the 8th Amendment to impose excessive fines, imposing penalties from life activities that cannot help but be performed in public for lacking a permanent residence. Because of the

harm caused by Miller's actions, I ask that punitive damages, retrospective damages, and compensatory damages in the form of a money judgment in compensation for wrongs be awarded as a Jury sees fit, for lost time and mental duress.

14. Allitations in Counts 4 & 5 are repeated, for each table line item below, for Counts 7 thru 69 outlined below in this table.

Citation #	Viol	Eugene Municipal Docket #	Viol Date	Offense	Officer / Defendant name & COUNT # 6:20-cv-00906-mk
727751	1	1807672	09/07/2018	PROHIBITED CAMPING	PECKELS, JENNIFER #4
757309	1	1808247	10/01/2018	PROHIBITED CAMPING	RANKIN, BO JASON #5
744946	1	1901108	02/18/2019	PROHIBITED CAMPING	JORDAN, ALLISON #7
748227	1	1901164	02/19/2019	PROHIBITED CAMPING	JORDAN, ALLISON #8
748230	1	1901160	02/20/2019	PROHIBITED CAMPING	JORDAN, ALLISON #9
748028	1	1901432	02/28/2019	PROHIBITED CAMPING	PECKELS, JENNIFER # 10
748320	1	1901763	03/16/2019	PROHIBITED CAMPING	ALVAREZ, JOSE #11
752434	1	1902171	03/29/2019	PROHIBITED CAMPING	DAWSON, DALE P #12
755797	1	1902209	03/31/2019	PROHIBITED CAMPING	KAYLOR, KINSEY M #13

747054	1	1902213	04/01/2019	PROHIBITED CAMPING	KAYLOR, KINSEY M #14
745027	1	1902420	04/08/2019	PROHIBITED CAMPING	MCALPINE MALCOLM #15
759193	1	1903750	05/09/2019	PROHIBITED CAMPING	GREENE, JEREMY A #16
759194	1	1903749	05/09/2019	CRIMINAL TRESPASS-2	GREENE, JEREMY A #17
759083	1	1903795	05/24/2019	PROHIBITED CAMPING	RANKIN, BO JASON #18
759089	1	1903799	05/25/2019	PROHIBITED CAMPING	RANKIN, BO JASON #19
748087	1	1903719	05/27/2019	PROHIBITED CAMPING	JORDAN, ALLISON #20
739046	1	1903725	05/28/2019	PROHIBITED CAMPING	MAGNUS, GREGORY #21
755769	1	1903762	05/29/2019	PROHIBITED CAMPING	SMITH, JULIE ANNE #22
743984	1	1903798	05/30/2019	PROHIBITED CAMPING	ORSBORN, SHANE #23
759090	1	1903888	06/01/2019	PROHIBITED CAMPING	RANKIN, BO JASON #24
744232	1	1903894	06/02/2019	PROHIBITED CAMPING	JORDAN, ALLISON #25
750053	1	1904113	06/08/2019	PROHIBITED CAMPING	ALVAREZ, JOSE #26
744238	1	1904098	06/09/2019	PROHIBITED CAMPING	MAGNUS, GREGORY #27
750060	1	1904326	06/12/2019	PROHIBITED CAMPING	SMITH, JULIE ANNE #28
745810	1	1904331	06/16/2019	PROHIBITED CAMPING	MAGNUS, GREGORY #29

750064	1	1904437	06/18/2019	PROHIBITED CAMPING	MAGNUS, GREGORY #30
750067	1	1904794	06/29/2019	PROHIBITED CAMPING	RANKIN, BO JASON #31
747585	1	1905042	07/03/2019	CRIMINAL TRESPASS-2	SMITH, JULIE ANNE #32
758484	1	1905341	07/17/2019	PROHIBITED CAMPING	LOOS, JOHN C #33
746130	1	1905455	07/23/2019	PROHIBITED CAMPING	WRIGHT, ROY L #34
746133	1	1906487	08/05/2019	CRIMINAL TRESPASS-2	WRIGHT, ROY L #35
761029	1	1906015	08/12/2019	PROHIBITED CAMPING	JORDAN, ALLISON #36
755771	1	1906760	08/14/2019	DOWNTOWN ACTIVITY ZONE PROH ACTS	SMITH, JULIE ANNE #37
747526	1	1906124	08/16/2019	PROH ACT STREET/SIDEWALK	SMITH, JULIE ANNE #38
747660	1	1906127	08/16/2019	PROH ACT STREET/SIDEWALK	SMITH, JULIE ANNE #39
758974	1	1906267	08/19/2019	PROHIBITED CAMPING	JESSEE, BRIAN R #40
744663	1	1906469	08/24/2019	DOWNTOWN ACTIVITY ZONE PROH ACTS	LOWEN, MATT R #41
19PC000 01064	1	1906759	09/03/2019	DOWNTOWN ACTIVITY ZONE PROH ACTS	MULLINS, CAMERON #42
756746	1	1907084	09/12/2019	PROHIBITED CAMPING	RANKIN, BO JASON #43

751308	1	1907087	09/13/2019	PROHIBITED CAMPING	RANKIN, BO JASON #44
756710	1	1907199	09/17/2019	PROHIBITED CAMPING	MAGNUS, GREGORY #45
756750	1	1907299	09/19/2019	PROHIBITED CAMPING	RANKIN, BO JASON #46
757695	1	1907350	09/24/2019	PROHIBITED CAMPING	FRITTS, JOSEPH #47
750985	1	1907747	10/04/2019	PROHIBITED CAMPING	ALVAREZ, JOSE #48
761139	1	1907748	10/05/2019	PROHIBITED CAMPING	DOGGETT, LANE A #49
751061	1	1908479	10/12/2019	PROHIBITED CAMPING	RANKIN, BO JASON #50
751061	2	1908479	10/12/2019	PROH ACT STREET/SIDEWALK	RANKIN, BO JASON #51
751067	1	1908081	10/16/2019	PROHIBITED CAMPING	RANKIN, BO JASON #52
751067	2	1908081	10/16/2019	PROH ACT STREET/SIDEWALK	RANKIN, BO JASON #53
762443	1	1908086	10/19/2019	PROHIBITED CAMPING	MCCUTCHEON, TIM F #54
731061	1	1909004	10/24/2019	CRIMINAL TRESPASS-2	MOZAN, DOUGLAS LAWRENCE #55
19PC000 01328J1	1	1908903	10/25/2019	CRIMINAL TRESPASS-2	FRITTS, JOSEPH #56
720074J1	1	1909019	10/25/2019	CRIMINAL TRESPASS-2	RANKIN, BO JASON #57

762474	1	1908529	10/30/2019	PROHIBITED CAMPING	MCCUTCHEON, TIM F #58
762447	1	1909025	11/01/2019	CRIMINAL TRESPASS-2	DAWSON, DALE P #59
750921	1	1908686	11/02/2019	PROHIBITED CAMPING	RANKIN, BO JASON #60
761655	1	1908878	11/09/2019	PROHIBITED CAMPING	STRAMLER, JACKSON #61
761167	1	1908913	11/10/2019	PROHIBITED CAMPING	MULLINS, CAMERON L #62
750399	1	1909119	11/16/2019	PROHIBITED CAMPING	ALVAREZ, JOSE #63
751966	1	1909308	11/22/2019	PROHIBITED CAMPING	ALVAREZ, JOSE #64
751428	1	1909419	11/26/2019	PROHIBITED CAMPING	MULLINS, CAMERON #65 L
719082	1	1909657	12/01/2019	PROHIBITED CAMPING	MEIER, TY D #66
751433	1	1909779	12/08/2019	PROHIBITED CAMPING	MULLINS, CAMERON L #67
717702	1	1909799	12/09/2019	PROHIBITED CAMPING	MULLINS, CAMERON L #68
751904	1	1910272	12/27/2019	PROHIBITED CAMPING	ALVAREZ, JOSE #69

- a) Each of the line items above are individual charges filed against me under color of law by the respective named EPD officer an individual and for this complaint, defendants,

did participate and knowingly violate my constitutional rights, in what was a continuing effort under color of law to disrupt my lawful and peaceful protest for the redress of government policies at those times, and also in violation of Martin v Boise, because in all counts 4,5,7-69 I was living in public spaces as outlined in Martin v Boise with no shelter beds available to me or the additional >2,000 homeless in Eugene as of 2019. All being enforced under color of law, including prohibited acts, prohibited camping, and CT2.

- b) Each item in the table above where I was charged are a violation of the 14th Amendment, violations of my 1st and or 8th amendment rights As Applied to me enforced under color of law, and by established practice or policy of the incorporated Oregon municipality, the City of Eugene. These actions support my **Monell claim** against the City.
- c) Each officer is named in the column to the right of the table and hereafter defendant(s), individually, in this 1983 claim for relief where the ***** next to the officer's name** is the **Count #** for reference in this complaint.
- d) Each line item occurred under the same set of facts, are hereby individual **Counts, numbered 4 & 5, 7 thru 69** of this complaint.
- e) I repeat for each of the lines within the table the underlying complaints and violations of my rights granted me by the US Constitution and or clearly established federal ruling in support of Constitutional violations as expressed in Counts 4 & 5.
- f) Each of the defendants in the table above have caused me

undue stress, mental duress, chronic fatigue, compromised my health and wellbeing, while under color of law, interfered with my free speech by repeatedly disrupting my 360 consecutive days of protest during the period of 2/12/2019 thru 2/4/2020, retaliating against my persistence and unwillingness to yield. I ask that punitive damages, retrospective damages, and compensatory damages in the form of a money judgment in compensation for wrongs be awarded as a Jury sees fit, against the individuals named in the table above.

- g) During this entire time, I was homeless in Eugene Oregon, I was engaged in an organized protest effort, started by me on 9/6/18. The protest was halted on 10/27/18 thru 1/16/19 (for reason later explained in this complaint document in the Counts for Contract Breach against defendants).
- h) After a 4-day hospital stay and my additional days of respite from a stroke caused in large part by the intentional infliction of excessive mental duress and stress by defendant Mozan.
- i) I resumed on the February 12th date and it continued for 360 days in a dozen various locations, with consistent levels of harassment by Eugene police, directed by EPD Lt Douglas Mozan (Mozan), EPD Sgt. Julie Smith (JSmith) who each at some point issued or directed subordinate officers to issue charges against me during this time.
- j) Some of those charges were criminal charges and jailable, yet all stemming from erecting a structure for safety and protection from elements while protesting in a semi-stationery location where the group could grow and

Advocates could find us. And we were in the face of the public and the Press daily.

- k) I swept, organized, and kept up throughout the day preventing closure for the State Statute covering health and safety which yields immediate shutdown without 24 hrs notice.
- l) There were times that it was not convenient for the officers to take me into custody based on their statements to me at those times. But other times that they were looking forward to taking me into custody to attempt to illegally disband my/our protest.
- m) I am the original protester and the organizer of supplies, signage procurement, gear, food, water, and always making sure other vital human needs are provided for including proximity to bathroom facilities.
- n) When 24 hr notice to vacate was posted by one of the City departments, either parks, public works, or police themselves all of my fellow protesters' eyes were on me, as to what we were doing next.
- o) There were several times in March and April of 2019 that I refused to relocate when posted for cleaning because there was nothing to clean up except the humans.
- p) Public Works refused to pick up trash after I contacted them, so I had arranged for private trash removal and there were only a few of my group with me at that time before summer. Defendant Dawson was posting us weekly, rather than waiting for a large group to develop. A female o the phone at the public works department stated to me the Eugene police department will not allow them to pick up the bagged

trash from an active homeless camp; which in itself I believed to be a health and safety hazard and not providing us, the homeless population equal protection, and intentionally failing to ensure our safety.

- q) I will be able to provide additional evidence after the discovery phase that the City Manager Jon Ruiz (Ruiz), Police Chief Chris Skinner (Skinner), and Mozan in concert with each other, enlisted JSmith and the EPD dayshift officers for whichever area I proceeded to move the protest.
- r) Each time the defendants Cited me & other protesters for prohibited camping under color of law and ran names for warrants, I would lose several protesters. EPD and the City hoped that these disruptions and ticketing, name running would discourage and disband the protest.
- s) Each time starting on March 9th, 2019 that Mozan and his associated group of officers, many of which were in his hierarchy command, but often they were not, which bears the question of why was he always directing the protest ticketing and clearing, unless he was off duty, whereas Lieutenant Carolyn Mason often stepped in, but rarely ticketed.
- t) Mason also prevented ticketing from other officers while she was present. On only two occasions in April/May of 2019 did a few of us receive tickets from Lieutenant Mason.
- u) Mason observed the same prohibited camping under color of law behaviors each of dozens of times she made contact with me and our group but after that second occasion she refused to ticket, quite contradictory to the behavior of Mozan &

his subordinates, that ticket on continually and even twice in one day, on a single occasion.

- v) Police chief Skinner while speaking at the University of Oregon told the students of a journalism class, only the protest has been receiving camping tickets. If this is true then Skinner would be violating our constitutional rights of equal protection. Yet this will only be able to be proven after the discovery phase, beyond the excited utterance of the two students that ran to me between classes where I was camped, to let me know these facts and attempt to confirm what Skinner had said, with me. I have no idea, are we the exclusive receivers of Prohibited Camping tickets at that point in time. The damage caused by the continued retaliation against our protest group and myself by defendant coordinated efforts was the loss of valuable signage, camping gear, and personal property that was collected by the public works department and not retained for 90 days as required by Jones vs Los Angeles County.
- w) Eugene Public Works and Parks retains property that is not wet and not food, for no more than 30 days.
- x) On a single occasion when taken to jail and released the next day, JSmith & Rankin disposed of just short of \$3,000 replacement value of my personal property on March 9, 2019, shortly after we had a foot and a half of snow in Eugene. Disposing of dry and canned foods purchase days before still in the grocery bags, clothing of my deceased father, my business cards, and books (the Domino Effect, a book I authored and published on homeless myths and cures). which

I distributed for sale and provided business cards for contact info, Leaving me no ability to generate income from the printed copies of the book and less ability to easily hand off my contact information further retaliating against my 1st Amendment rights of free speech, and right to protest.

y) During an arrest on September 3rd, 2019 Allison Jordan took me into custody for willful prohibited camping, waking me up at 6:30 in the morning at the start of her shift and brought me to jail. During this time my property may have been left unattended by police, and officer Jordan contacted the Public Works Department of Eugene to collect my property, Jordan was negligent and failed to keep my belongings secure, it would have been easier for her to waive any responsibility had she abided by my wishes to leave one hundred percent of the property behind. Jordan was ultimately responsible to secure my property because she refused to assign it to my associates. Public Works disposed of hundreds of dollars worth of food, several hundred dollars of signage, blank and painted, and my wallet containing my only photo ID, social security card, Birth certificate Dozens of business cards for my important contacts, a \$100 bill only for emergency which I held for years, my PayPal debit card with a spendable \$10, along with my food stamps card Which was reloading the next day for my nutrition needs. I was unable to utilize food stamps for an entire week waiting for the replacement card to arrive, both cards were used the evening before by me. Jordan was informed that my wallet was left on the scene,

not in my possession when we were still just across the street. I also informed them as we arrived at the Lane County jail, both Jordan and her partner. Jordan was informed at my time of arrest that all the property was that of the protest attempting to relinquish my ownership and was to be left with the remaining protesters. 3 people remained on-site after my arrest and I've been told that they argued with public works and the police to leave the property with them. I was released from jail the next day.

- z) Eugene police regularly bring me property at the protest location that was in possession of people picked up elsewhere for alleged criminal activity or FTA warrants.
 - aa) If many other officers cooperate with the request of a would-be defendant to drop their property off at the protest with me, how is it that this small association of officers, Mozan, JSmith, Dawson, Rankin, Jordan, Mace, and Fritts, each time I have been taken into custody, refuse to follow my request to leave my property with the remaining responsible adults of my recommendation, so I don't have to jump through hoops when I'm released the next day, and cause the loss of some % of my personal property every time.
 - bb) I can only reflect this behavior to be that of retaliation against me personally for continuing to protest, and in the repeated attempts to disband those that join me.
 - cc) On one occasion at the end of September 2019 at the corner of 11th and Lawrence Sergeant Dawson and several

other officers ticketed us early in the morning, and later that afternoon I left somebody I trusted to oversee my property while going to be Eugene City Planning office 5 blocks away to inquire about the property at 11th and Lincoln, Dawson deemed my property abandoned though he saw me with it in the morning and had known me at that time for almost 5 months as the protest leader and organizer, threatening to arrest the person watching my property if the continued to interfere. Public Works once again disposed of hundreds of dollars in food dry and canned items directly into the trash I've seen on video. This in violation of Lavan v LA County.

dd) On October 25th Fritts, Mace and Rankin, ticketed me for CT2, on a public right of way, where I was not in violation of the new planter strip trespass ordinance, but because I was in an area that the city had cleaned two days previous. At the direction of Mozan EPD once again refused to leave my property with my nephew that was present and willing to take it, they vacated him from the area and took my property to the evidence unit disposing of food, protest signage, and some other insignificant items.

ee) My last occurrence of being taken into custody protesting was February 4th, 2020 when Mozan arrived on the scene across the street from the federal courthouse at 8th and Mill Street. Once again Mozan had me charged with CT2 and transported by another officer to LCJ, for being in an area that was cleaned, but in this case, an entire week before and broadcast on news reports. Mozan attests the area was still closed Though it was a public sidewalk and it had

rained the previous day and cleaned up the week previously.

ff) Steve Kimes, a local pastor who donates to my protests regularly, & had donated the very few items that I had set up at the fed courthouse protest two days prior. Steve was present when I was being taken into custody and I directed Lieutenant Mozan to return the property to the person who donated, Steve was prepared to take the gear and property but Mozan refused, taking the tent and contents the police holding causing further damage to the tents, and the items inside, as well as my bike cart, there was no food or wet items to dispose of.

Lane County Services Building Free Speech Plaza
Curfew and subsequent Criminal Trespass 2 Charge

15. Count 70

Plaintiff incorporates and restates each of the above paragraphs as fully set forth herein.

Defendant Lane County continues the prohibition of Free Speech in the Plaza located at 125 East 8th St, and has imposed a curfew preventing free speech from 11 p.m. through 7 a.m. daily where the City of Eugene and Lane County operate their primary offices, retaliating against homeless individuals protesting. In 2013 Eugene Municipal Court Judge Stenard dismissed CT2 charges against a group of defendants charged for violating the curfew noting [SIC] that it was an infringement upon their free speech by restricting one-third of the day on what was ostensibly a

sidewalk. I was made aware of this ruling by the CLDC attorney Cooper Brinson and I had a copy of Judge Stenard's Order in my possession on 2/12/19 when threatened under color of law by Micheal Johns of the County and Eugene police separately I would be arrested if I did not leave before 11 pm. Lane County was aware of the previous ruling as I delivered a copy by hand to Steve Dingle, attorney for Lane County in his office the afternoon of 2/13/2019. Shortly after 11 p.m. I was taken into custody for protesting in Free Speech Plaza at the county building. From what I'm told the county has a contract with the Eugene police to oversee the curfew in the plaza although the County has its law enforcement through the Sheriff's Department in the same location. Eugene police were the arresting agency, officer Lucas Blackwell was also informed of the previous dismissal because the curfew caused excessive and unreasonable restriction to free speech. The county customarily put up gates to prevent entry to the stairs leading to the building's main entrance which has signs that say "no trespassing beyond this point". I was outside that area within the Plaza at the street level. There's a 6 ft concrete wall separating the Plaza from the building lest the two staircases where the county routinely places gates. County and Eugene police were aware that I was homeless and lawfully protesting for the redress of inmate treatment in the county jail and homeless treatment within the City and County. Being homeless and having no other location to legally sleep within the City of Eugene I concluded this public property as good as any other, in

addition to being armed with the previous ruling on the same space for CT2 being dismissed by the Judge. County continued this behavior and threatened further arrests on January 6, 2020, continuing to retaliate and restrict my First Amendment rights through their policies and procedures. The arrest as it applies to me is a violation of my 8th Amendment rights under Martin v Boise and the plaza being public space, as well as unreasonably restricting my First Amendment rights for the redress of government. I was alone in the plaza and caused no health or safety concerns. I was arrested under color of law and held at Lane County Jail for arraignment even though I was not known to cause the delay of the judicial process and could have been cited and released under the local policy and state statute. Their goal was to disrupt my protesting by the county policy. I ask that punitive damages, retrospective damages, and compensatory damages in the form of a money judgment in compensation for wrongs be awarded as a Jury sees fit. I asked for declaratory judgment should the curfew be deemed and unreasonable infringement upon free speech.

16. The above paragraph 15 supports my **Monell Claim** against the County of Lane.

Breach of contract, collusion, and failure to provide adequate protections.

17. **Background**

September 5th 2018 - When I found out about the 9th circuit decision in Martin V Boise, I couldn't have been any more excited over any Court ruling up until that point.

For the prior 6 months I'd been working diligently with the City of Eugene through their new police chief Chris Skinner attempting to establish a safe camping program that I would direct. I had met with Skinner several times to discuss possibilities. I had also made inroads to all the local homeless advocacy charities and point of access. I was a member of the Human Rights Commission subgroup on homelessness and poverty. Regularly interacting with the homeless community in Eugene to establish a relationship as a friend and person able to provide directions to resources. Officers like Allison Jordan would often defer questions raised by downtown homeless individuals to me. I was consistently involved at City Council meetings and spoke on behalf of homelessness a majority are there open public City Council meetings. I was involved with groups like Ward 9 which had been established as the homeless Ward in Eugene with the other eight political wards in the community attending weekly meetings, Nightingale and pastor Wayne Martin and the majority of the board members as advocate, White Bird Clinic, New Roads for the younger homeless, The city's Outreach staff, and anything else relating to the homeless that I could be involved in oh, this is my everyday mission.

My desire to advocate for the homeless began years earlier in Denver Colorado at the end of 2015. By June of 2016 I published my first book titled The Domino Effect - Homeless Myths and Cures. I had set out on the road at that time to begin the second book which I had already decided would be titled interviews and investigations. I investigated the

Salt Lake City area in Utah which was very interesting because they had claimed that you'd all had eliminated there homelessness issues. This is clearly not the case I continued on to Reading California where I remained for several weeks in discussion with the police chief Rodger Moore and their city council concerning only the subject of homelessness. My goal was to end up in Portland but when I arrived in Eugene I fell in love with the community. early in March of 2018 I quickly involved myself as a homeless advocate and person with direct street-level experience and life experience that I believe could help dramatically reduce or eventually eliminate the 1500 homeless that were on the streets at that time in Eugene. being homeless in Denver and operating a stationary camp for more than three years, excluding myself we never had less than a dozen and there were times that we had as many as 35 campers in a non-sanctioned Denver camp on the South Platte River. I was 50 retired and pizza I'm working on my next entrepreneurial venture which was to be small business Consulting after completing the book I titled "how your behavior impact your business" halfway into the writing when I was wrongfully accused of harassment and Denver Police failed to provide equal protection refusing to allow me to file a charge against my accuser harassment as well. I was dumbfounded by their response but when I received the discovery I realized where the issue was. I was defined as the transient man of the transient group in the police report repeatedly. I have no name anymore. I found this to be troublesome and had planned to file a lawsuit against the city and my accuser

when the charges were dismissed. But I realized I couldn't if I ever wanted to speak about the subject, because in a settlement there would be a non-disparagement clause but I was quite familiar with it from a previous lawsuit settlement. I deemed this very unacceptable, I knew I had to shout from the mountains about the injustice and marginalization automatically sign to homeless individuals. Which prompted me to begin writing on the subject. My older son recommended that I check out Portland if I was writing a second book because they had an extraordinary large homeless population. He had traveled back from Alaska and passed through Portland on his way to California.

When I discovered the population of the homeless in Eugene Oregon was only approximately 1500 I reflected that as the size of my graduating high school class in New York. I knew this was something that could be addressed with some creative insight, and creative solutions have always been one of my fortés. When I first met with Skinner, he informed me that my goal I'm working with seniors and disabled people for purposes of cohabitation through section 8 vouchers. Skinner told me the only thing budgeted would be a low barrier for entry operation. It took me no more than a minute to accept the change of venue, and suggest a safe and legal property where people suffering from drug addiction, mental illness, unresolved traumas could be able to first feel safe. Once people had eliminated their concern for police harassment and ridicule by community members with finger pointing and whispers

there was a chance for recovery. My goal was then set, to operate a camp of 75 people, with a low barrier to entry, as Skinner and the City of Eugene required. I would provide similar training as I did with the pizza place, where the majority of my employees moved on to very successful careers and family lives. I know how to inspire individuals to follow their own dreams as I have always followed mine. At the time of the Boise case and my extreme excitement because this meant fast tracking alternative sheltering for the homeless as an emergent need for the city . Much to my surprise the day following the Boise ruling City Attorney Ben Miller issued a press release stating that the Martin v Boise case did not affect operations of police ticketing homeless individuals for prohibited camping in Eugene. I believe that Miller's announcement was a further detriment to the homeless community at large, because it communicated to the public that Eugene was operating within legal bounds.

This was the point I began my protest. For the first time ever I was exhibiting my first amendment rights for the redress government, and began assembling the following. The protest inevitably grew to 125 individuals in 87 quasi shelters and tents located across from Lane County Court. I knew that hundreds if not thousands of Lane County residents would see us first-hand while utilizing the courthouse and services building. news coverage on almost a daily basis, which culminated in a KEZI broadcast special Report which one is five and a half minutes with leader advertising spots on their evening news. Coincidentally it

was broadcast two days after my birthday on October 23rd 2018. 3 days later I was contacted by defendant Lieutenant Doug Mozan. It was a Friday night. Mozan asked if we could meet for coffee in the morning. We met at the coffee shop across the street in the protest and a half hour ordering drinks and doing introductions. We were joined by Laurel O'Rourke, a Lane County social worker, and Heather Selecki, an advocate associate of mine network for White Bird Clinic. Mozan quickly asked if we were willing to take a field trip to check out a potential location for camp as discussed with Skinner in previous meetings. Mozan brought the three of us about three and a half miles away to a County property at 525 Highway 99 North. When I got there I had my reservations. I had learned long ago not to show excessive enthusiasm in any business situation that I was enthusiastic about. We walked around the property I spoke with an employee from the environmental cleanup company that I knew from downtown for over a year. She informed me how diligently they were working to get the property ready for our group. Mozan informed me that this was all me. My maintenance and organization of the property across from the courthouse caused the county to want to take action in assisting the goal of a low barrier to entry camp. Laurel O'Rourke, the County representative, continued to tell me that this was all me. That I had done this and she had never seen in all her years working a bureaucracy move so quickly. O'Rourke was taking notes reflecting my suggestions. We had discussed setting up a kitchen tent warming tent possibly a respite area and they were painting

the ground with 10 ft by 10 ft squares for each of the hopeful campers to fill with tents and property. Mozan asked if I was willing to do this, and O'Rourke asked what I would call it. I informed her that I had already come up with a name two months earlier after chief Skinner and I met the second time . I would call it **Eugene Transitions Junction** referencing my initials **ETJ**. Mozan's assurances as well as O'Rourke being representative for the county us standing on county Land that I was told was being set up for me to operate a camp, and the independent witness from White Bird clinic was enough for me to believe that this was a legitimate contract that I was entering into even though only verbally at the time . It had all the elements necessary including an independent witness. There were a total of 78 painted spots on the ground. This would be just enough to cover the majority of the people at the protest. Low barrier to entry allowed for pets, cohabitation of couples, and people with addictions, mental illness, and traumas yet unresolved. My mind was racing with the opportunity laid out in front of me. Based on the timeline I became very confident that this only happened because of Madison Glassman's interview and broadcast of life In The Shadows, that aired the night before this project began development according to Mozan. With constant coverage on all the local news stations And printed Publications like the Register-Guard the Emerald and the Eugene Weekly I was under the belief that the protest was a slam dunk success for my first-ever effort. It was apparent from the shrubs and the porta potties the three-person staff from HepaVac

the sanitation company contracted by Lane county, the entire public works department of the county working on a Saturday led me to believe everything was falling in place and the stores were aligning in our favor. Then Mozan suggested that he was prepared for us to move in immediately. It was now past noon on Saturday and I was not quite sure how he expected to get this accomplished. He let me know that he had LTD buses and the county public works department on standby with trucks to transport everybody to the outskirts of town. We were all skeptical as to what type of oversight would be brought to bear beyond me directing the camp. The question was asked of Mozan and a work by almost every one of the first 45 to enter the property. Mozan assured them that things would remain status quo as they have been for the past month and a half with Jackson in charge just like the protest with the same rules that Jackson had set up for that property; and that this was not a stop-gap measure but a long-term endeavor. There are dozens of witnesses to these facts.

Before Denver I owned and operated a pizza place in Voorhees New Jersey with a large seating area, and a large High School. With 150 seats and often standing room only over the years I became quite adaptable and able to manage large groups of hormonal high schoolers. At the high points the pizza place regenerated \$800,000 in revenue annually.

Count 71

18. a) Through the efforts of Pete Kerns, Terry McDonald and Roxanne O'Brian, The three directors at St. Vincent's de

Paul at the time, had effectively caused Lane County to divert 1.2 million dollars in funding to their operation of temp shelter for the homeless. O'Brien was the operator of the Lindholm Center located directly across the street and financially supported by the city and county. We arrived at the camp on Saturday October 27th and Sunday morning the 28th who was the first awareness of our existence to Saint Vincent de Paul.

b) Lindholm Center provided homeless services including breakfast and lunch showers and laundry as well as power 4 device charging. St. Vincent de Paul When's the parent company and O'Brien the director of operations of the Lindholm Center. She and I became fast friends, discussing various opportunities we would be able to assist each other for the benefit of the homeless in Eugene.

c) At some point during our first week we had filled the camp to capacity and I was excited with the future opportunities that would manifest.

d) While in line to sign up speak at the public portion of the city council meeting the following Monday night an advocate friend asked me if I had seen paper, referencing the Register-Guard article about the camp, I had not. When I read the article which was verbatim from a press release issued by Lane County. The article conveyed that the camp at 525 Highway 99N was to be a short-term camp, and that the county was vetting management and in discussions with Saint Vincent de Paul to oversee and operate the camp at 525 Highway 99 North. I likely turned white as a sheet reading this news. I had no idea how to break into the

campers that were promised by Lane County staff and the Eugene police lieutenant that this was long-term under the direction of Jackson. When I returned to the camp I typed out a Cease and Desist Notice to quit informing the county city and St. Vincent's got this property at 5:25 was already occupied with the contracted operators and that they had no business attempting any backdoor deals.

e) Defendants, Lane County Administrator Steve Mokrohisky (Mokrohiski), Lane County attorney Steve Dingle (Dingle), Mozan, Pete Kerns (Kerns) the former police chief of Eugene, Roxanne O'Brian (O'Brian) director at St Vinny's, and I'm told others were meeting and keeping an emergency management operations center several times a week about the camp at 525 Hwy 99N, without a single opportunity for representation from the camp, behind closed doors at non public meetings. Several times I asked to be heard at these meetings and included at very least without success. The camp that I was told is all me, and I was told I had over a million dollars in long-term funding already allocated. I could feel the rug being pulled out from underneath me and the other that were shipped off to the edge of town, and likely going to be abandoned there. Everything I had invested the past six months into was slipping away because of the efforts of a competitor St Vinny's, who's newly appointed Chief of Staff was former Eugene Police Chief and had a direct line into the powers in charge at the County level.

f) There was no operational lacking at the camp I managed, and I could not walk away and abandon the 100 human beings,

nor could I stand still and allow the County to gift the property St Vinny's being they had a property just up the street at 719 Hwy 99 N operating a homeless camp with 100 residents themselves. There was nothing unexpected that could cause a breach on my part. There was no negligence being reported, or problems interacting with the County contacts, including the Public Works staff, County Health Department Staff, and many other at the County level.

g) The City committed to help in supporting my camp, yet the County in January committed the 1.2 million dollars to St Vinnys to take over the property at 525, and inclined the City Council to Reluctantly shift the \$166,000.00 from our coffers to the St. Vinny's.

h) After the discovery stage I believe that evidence will be exposed to show how this back room arrangement actually went down. Baring the discovery of the Emergency Management Meeting notes from the County it is only by virtue of the happenings that we know what took place.

i) on Jan 16th our camp was closed and anyone wanting to have a safe and legal place to sleep was shifted over to the property at St. Vinnys on the other side of the Village Inn property on Hwy 99. The reason that they had to move the campers was because I had enough clout with the City Council that the City refused to issue a permit to St Vinny's for a rest stop on the 525 property which they applied for based on the county and St Vinny's collusion in the back room private meetings. Michael Johns informed me that the County was angry and felt betrayed that the City did not approve the application at 525 hwy 99N preventing

St Vinnys from taking possession and forcing them to move everyone to the single property. City Council was very clear that many of the campers voiced clearly to them that they would not relocate to St Vinny's operation because they were only present because I (jackson) was in charge, and they would go back to the streets. City Councilors spoke to the issues and recognized that there needed to be additional options beyond all of the homeless being moved to St Vinny's because many would not go.

19. Count 72

On the 4th of February 2020 I was set up protesting and sleeping on the Right of Way across the street from the Court at 8th and Mill St. I was arrested and charged with CT2 by Mozan and another officer transported me to the Lane County Jail. This was a direct retaliation against my relentless protesting by Mozan continuing the pattern of the City policy to prevent my free speech rights. Mozan stated that the area had not been finished cleaning and was still closed. This is far overreaching and an extreme restriction of my free speech rights. This is the second time Mozan directed my removal from an area that was clean prior to my arrival and commencing of my protest at the two location. First on 10/24 at 11th and Lawrence protesting the Municipal Court not being of record and then at the Federal Court. This excessive restriction of my right to peacefully protest for the redress of Government was my last arrest. Mozan and his subordinates Mace, Fritts, JSmith were involved in the first situation at 11th n Lawrence, but it was Mozan alone at the Federal Court.

Both situations are identical facts, the area was posted 24 hour to vacate notice as we had seen many times of the prior year of protesting being moved out a dozen times at least. Mozan with direct contact to Ben Miller he told me was sure that I was not allowed in the area that was previously cleared, where we did the clean up of 95% of all items being removed by us. We aided in loading the trash bags and any other refuse into the City public works trailers at every location not just these two. But at these two location the City left the signs behind. At the Lawrence St location the signs read that the sidewalk and the curb to sidewalk area was closed to all, yet the sidewalks were being traveled without issue by pedestrians at the same time I was being arrested. This was a violation of my rights of equal protection and interfering with my free speech rights with excessive restrictive policy or practice. Defendant Miller's involvement in consulting with Mozan's investigation and subsequent arrest of me was not in the performance of his prosecutorial duties and should not be granted immunity accordingly. Miller was consulted and Mozan testified at my trial that he consulted with Miller. Miller, Mozan, Mace, Jsmith, and Fritts were all involved with this effort to eliminate my presence while I was operating a peaceful protest for redress and each is responsible individually for violation of my 1st Amendment rights because Government may only reasonably effect free speech for cause, Government may not over reach to prevent an individuals from protesting peacefully in public places on public right of ways by way

of arresting for CT2 under color of law, effectively eliminate me as a protestor. For this I ask for Declaratory Judgement and Injunctive Relief to prevent these actions in the future against me. I ask that punitive damages, retrospective damages, and compensatory damages in the form of a money judgment in compensation for wrongs be awarded as a Jury sees fit.

Count 73

Judge's Stenard and Fredricks have imposed a downtown restriction on me preventing my free movement and free speech within the area. This restriction is under color of law and in direct retaliation for my protesting relentlessly. Stenard imposed the area exclusion on the 5th of February for the above mentioned CT2 in Count 72 when Mozan had me arrested for protesting in front of the Federal Court. The Federal Court is 2 blocks outside the Downtown area that would allow for this exclusion. The EMC reads in 2.019 a list of charges which includes CT2, but it also states that the offence must take place within the Downtown boundaries. Not only was this outside the downtown boundaries preventing the option for the Judges to restrict my free movements as a far overreaching pretrial exclusion. Stenard also produced to me a map showing where in Eugene that I was excluded until trial which is not scheduled until January 2021, the map does not outline only the downtown as set forth in the EMC it is in excess of 60 sq blocks additionally. This is under the color of the EMC and not an option for a Municipal Judge to administer.

Judge Gill the presiding Judge in the Municipal Court was told of this via email and I requested the Court to have a hearing which was not scheduled months prior to Covid 19 restrictions. I ask for immediate relief from this ridiculous and unsubstantiated restriction for a charge that will likely end in acquittal because of what is outlined in Count 72 above. The public area I was in was private property in the public right of way at the corner, and I am told the property owners own to the outside of the curb base on Eugene Building Code by Counselor Emily Semple. The City had no validity in charging me with CT2 in this instance and the Judges are able to be immune absolutely in the proformance of their duties on the bench even if they're being vindictive to a defendant, surely not when they are making up the regulations as they go, and far outside the intention of the City's Code under 2.019. Nor should I continue to be restricted by this restriction imposed under color of the law. For this I request a TRO preventing the operations of the Municipal Court under color of law, and hold that Judges' Stenard, Fredricks, and Gill, be admonished for this overly restrictive attack on my free movement causing me to be excluded from county and city government buildings, the law library, homeless services and food providers, my friends and my favorite business in the downtown and the additional 60 sq blocks for which they have a court order preventing me from entering in my community. Surely the absolute Immunity was not intended to allow judges in a municipal court not of record to just threaten and impose outlandish restrictions

that are non existent in the Municipal or county of State codes and statutes. This restriction is worse on some days than being in jail. This restriction will be almost a year in place. I was violated under this restriction because someone the Municipal Prosecutor's office recognized me and got camera footage of me headed to a scheduled court date at the county court. A warrant was issued for my arrest, which I thankfully have alerts for and addressed with Judge Fredricks who dismissed the warrant but refused to redress the exclusion and reissued the map that extended far beyond the downtown, fabricating area restriction zone that does not exist in the Eugene Code. Emergency TRO to free me from this restriction and Injunctive relief to prevent it from being done by the Municipal court again. Any of the three Judges could easily with no restriction find the accurate map of the downtown online at the city website.

Certification of Proof of Service sent via traced e-mail;

28 U.S. Code § 1746

Certification in lieu of Oath, I Eric T Jackson swear under the penalty of perjury, this & the preceding 9 pgs to be true and correct;

All filings herein are in compliance with Rule 11;

This is one of several parts to the argument separated into sections for simplicity of access, and all one argument and should be treated as a whole;

If any single section (pdf file(s)) or, any of its connected document(s) or, a sub-file of the entire pleading documents, or sentence, word or, paragraph be deem to be lacking subject matter jurisdiction and the court does not take personal

jurisdiction over those, the rest of the document travels forward as the remaining claims and augment in full force;

/s/ Eric T Jackson, Pro-se, Plaintiff 10/20/2020 11:22pm pst

The Civil Rights Attorney's Fee Awards Act of 1976 (42 U.S.C. § 1988[b]) allows for the award of reasonable attorneys' fees to the prevailing party in cases brought under various federal civil rights laws, including section 1983. This provision applies whether or not **COMPENSATORY DAMAGES** were awarded. This provision also applies whether the plaintiff or the defendant prevails. However, if the defendant is the prevailing party, attorneys' fees have been held to be appropriate only/ where the lawsuit was "vexatious, frivolous, or brought to harass or embarrass the defendant" (*Hensley v. Eckerhart*, 461 U.S. 424, 103 S. Ct. 1933, 76 L. Ed. 2d 40 [1983]). In addition, section 1988 does not require that the attorneys' fees awarded be in proportion to the amount of damages recovered (*City of Riverside v. Rivera*, 477 U.S. 561, 106 S. Ct. 2686, 91 L. Ed. 2d 466 [1986]).

The Supreme Court has held that section 1983 creates "a species of tort liability" (*Imbler v. Pachtman*, 424 U.S. 409, 96 S. Ct. 984, 47 L. Ed. 2d 128 [1976]). Thus, the Supreme Court has held that, as in TORT LAW, a section 1983 plaintiff is entitled to receive only nominal damages, not to exceed one dollar, unless she or he can prove actual damages (*Carey v. Piphus*, 435 U.S. 247, 98 S. Ct. 1042, 55 L. Ed. 2d 252 [1978]). The jury is not entitled to place a monetary value on the constitutional rights of which the plaintiff was deprived (*Memphis Community School District v. Stachura*, 477 U.S. 299, 106 S. Ct. 2537, 91 L. Ed. 2d 249 [1986]). Plaintiffs bear the burden, therefore, of presenting evidence of all expenses incurred, such as medical or psychiatric expenses, lost wages, and any damages due to pain

and suffering, emotional distress, or damage to reputation. The plaintiff is also under a burden to mitigate his damages, and the award of damages may be reduced to the extent that the plaintiff failed to do so.

/s Eric T Jackson, Pro Se, Plaintiff 10/20/2020