

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

| | | |
|-----------------|---|----------------------------|
| LEWISFPOWELLJR, |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION NO. 4:20-2323 |
| v. |) | |
| |) | Hon. Coolvibez |
| TACUSS, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

COMPLAINT FOR INJUNCTIVE AND OTHER PROSPECTIVE RELIEF

Plaintiff LewisFPowellJr, representing *pro se*, alleges as follows:

1. Plaintiff brings this suit in order to obtain injunctive and other prospective relief against defendant Tacuss, who committed false imprisonment under the violation of Pub. L. No. 81-16, § 3(e), battery under the violation of Pub. L. No, 81-16 § 3(b), and two violations of deprivation of rights by officer of the United States under 42 U.S.C. § 1983.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. § 1331 and 42 U.S.C. § 1983.

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to plaintiff's allegations occurred in the District of Columbia, and the Defendant resides and/or does business in the District of Columbia.

FACTUAL ALLEGATIONS

4. The United States of America has increasingly been under attack by various American citizens and tourists who use firearms to repeatedly kill and assault officers of the United States. These attackers are only stopped after increased firepower by officers, mostly from the Special Weapons and Tactics team and the Special Forces clan of the United States of America. In response to a recent declaration of war against Iraq (which was won by the United States of America after a forfeit), on October 1st, 2020, President of the United States Lacryma declared martial law in the District of Columbia.

5. While the war against Iraq has already ceased due to Iraq's forfeit of each battle, martial law was never lifted by Lacryma, and thus is still active.

6. Plaintiff LewisFPowellJr is a federal District Judge for the United States District of Columbia. He is also a retired federal law enforcement officer for the United States Federal Protective Service, United States Capitol Police, and United States Marshals Service, as well as a retired Circuit Judge for the United States Court of Appeals for the Federal Circuit, which was abolished according to Pub. L. 81-6.

7. Defendant Tacuss is a retired Federal District Judge for the United States District Court, a suspended member of the Federal Protective Service, a Senator for the United States Senate, and a suspended member of the United States Military.

a. At the time of the alleged incident, Tacuss was acting as an agent of the United States Federal Protective Service.

8. The United States Federal Protective Service is authorized to “when given permission by Director of the Federal Protective Services or the Secretary and Deputy secretary of Homeland Security.”

9. Federal judges are required to take two oaths: one as an oath of office, and the other as a separate judicial oath.

a. 5 U.S.C. § 3331 requires any officer of the United States, except the president, to take the following oath:

“I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States *against all enemies, foreign and domestic*; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.” Emphasis was added to “against all enemies, foreign and domestic.” Plaintiff was therefore required to assist in supporting and defending the Constitution, as well as the laws of the United States, thus allowing him to use force to defend the United States against enemies within the United States of America.

b. 28 U.S.C. § 453 requires all justices and judges to swear this oath:

“I, __ __, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as __ under the Constitution and laws of the United States. So help me God.”

c. Because of this, judges are granted the ability to uphold the Constitution and the laws of the United States.

10. On October 9th, 2020, at about 12:58 PM Eastern Daylight Time, plaintiff was exercising the requirements of his oath under 5 U.S.C. § 3331 near the District of Columbia Prison.

11. An American citizen and tourist (hereinafter “attackers”) decided to work together, shooting the prison and its officers from an adjacent building that provided them safe haven from any responding gunfire. Defenders within the prison responded with various shots, to no avail. For most of the fight, the defenders were repeatedly shot and killed by the attackers. One of these defenders was Bureau of Prisons Chief MitchMatrix.

12. Plaintiff valiantly attempted to defend the prison by hiding behind his sports car, and teamed up with Mr. Matrix in an attempt to shoot the attackers.

13. The attackers, upon realizing that plaintiff and Mr. Matrix had taken a different vantage point from those of the initial defenders of the prison and were firing at them from that vantage point, directed their attention to the plaintiff and Mr. Matrix, who were able to resist the initial shots by ducking behind their car. Plaintiff was able to hit one of the attackers with his shots, while Mr. Matrix was able to divert attention from the initial defenders of the prison with his shots.

14. However, defendant Tacuss noticed the shots coming from the sports car, and moved there, claiming that he was “doing my job near prison.” He detained plaintiff with his arrest tool just as the attackers were finally able to shoot at the plaintiff. Plaintiff begged for the defendant to release him, alternating the words “I’M BEING SHOT” with “LET ME

SQUAT,” a reference to the fact that equipping a firearm in the District of Columbia and pressing c allows an individual to crouch. Plaintiff wanted defendant to give him a chance to hide from the attacks.

15. Witness Mr. Matrix, noticing the shots were reaching the plaintiff due to his standing position, also told the defendant that “hes [Plaintiff] [sic] gonna die because of you.” Despite this, defendant Tacuss refused to let plaintiff go, and one of the attackers successfully shot plaintiff and killed him.

16. Immediately after, Mr. Matrix, under his authority as Chief of the Bureau of Prisons, arrested defendant Tacuss for “accessory of murder.”

CAUSE OF ACTION: NATIONAL FEDERAL TORTS ACT OF 2020

17. By the actions and statements described above, the Defendant has committed one count of false imprisonment under the National Federal Torts Act of 2020, Pub. L. No. 81-16, § 3(e).

a. The tort of false imprisonment is defined as the act of

“Any person who acts under the color of law or private security and, [who] without justifiability nor consent, detains, deploys a tazer on or arrests another person.” Pub. L. No. 81-16, § 3(e).

Defendant was aware that there were attackers on the prison, yet he asked plaintiff why he was shooting. Plaintiff made a timely notification that he would be killed if defendant did not release him before the attackers shot him, as did Mr. Matrix, who was aware of the incident. The awareness of the fact that attackers were threatening the prison meant that

detained plaintiff without proper legal justification. The fact that defendant was an agent of the Federal Protective Service at the time of the incident meant that he acted “under the color of law” in order to falsely detain the plaintiff.

18. By the actions and statements described above, the Defendant has committed one count of battery under the National Federal Torts Act of 2020, Pub. L. No. 81-16, § 3(b).

a. The tort of false imprisonment is defined as the act of

“Any person who, acting intentionally and voluntarily, brings about an unauthorized harm or offensive contact with a person or something closely associated.” Pub. L. 81-16, § 3(b).

Defendant, from the evidence, appeared to be intent on detaining or even arresting the plaintiff solely because he discharged the firearm. Discharging a firearm is not illegal, unless the discharging is to cause bodily harm with intent outside of defense of another. Plaintiff and Mr. Matrix were discharging firearms in order to defend the prison from the attackers, and would not be illegally discharging their firearms. By touching the plaintiff with his arrest tool, defendant has committed battery because the harm that resulted was unauthorized and offensive to the plaintiff. This is corroborated by the fact that not only did both plaintiff and Mr. Matrix beg defendant to let plaintiff go, plaintiff was killed by the attackers.

CAUSE OF ACTION: 42 U.S.C. § 1983

19. By the actions and statements described above, the Defendant has violated Plaintiff’s Fourth and Fifth Amendment rights.

a. The Fourth Amendment protects against unreasonable “searches and seizures without probable cause.” U.S. Const., Amend. IV. Defendant, as a current congressperson and law enforcement officer, should have reasonably known that discharging a firearm is not illegal, especially in defense of another, as well as the fact that plaintiff was discharging his firearm in order to defend the prison from attackers. Defendant therefore unreasonably detained plaintiff without justification, violating his Fourth Amendment right from unreasonable searches and seizures.

20. By the actions and statements described above, the Defendant has violated Plaintiff’s Fifth Amendment right against arbitrary deprivation of life, liberty, and property.

a. By unlawfully detaining the Plaintiff, defendant first deprived Plaintiff of his right to liberty without any sort of justification. This deprivation of liberty also forced plaintiff to stand up, exposing himself to the attackers that targeted him due to his attempted defense of the prison. Defendant’s negligence eventually resulted in plaintiff’s death after the attackers successfully shot him because of his stance, which would mean an arbitrary deprivation of plaintiff’s life without due process of the law.

PRAYER FOR RELIEF

WHEREFORE, plaintiff requests that the Court enter an Order that:

a. Permanently enjoins the Defendant from coming into contact with the Plaintiff while defendant is discharging his duties as an officer for any law enforcement agency, protective agency, or intelligence agency.

- b. Permanently enjoins Defendant from attempting to detain plaintiff while he exercises his duties to defend the Constitution and laws of the United States against enemies, both foreign and domestic,
- c. Declares that Defendant is rogue,
- d. Requires an apology to the plaintiff by defendant for his unlawful deprivation of plaintiff's rights, false imprisonment, and battery if relief under subsections a, b, or c are unavailable for the plaintiff. *RichoCaldwell v. D_ayydream*, 9 U. S. 73 (2020).

Dated: October 9th, 2020

Respectfully submitted,

/s/ LewisFPowellJr

LewisFPowellJr

Plaintiff