

EXHIBIT "D"
Civil Rights Complaint

Action for Trespass and Trespass on the Case	Benson v. State of Nevada et. al.	Page 17 of 21
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<p style="font-size: 1.2em; margin: 0;">JUN - 8 2016</p>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

1 **thomas benson**
 2 **c/o 9030 West Sahara Avenue, 617**
 3 **Las Vegas Nevada [8911]**

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8 **IN THE UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10
11
12 **THOMAS BENSON,**

2:16-cv-01268-RFB-PAL

13
14 *Plaintiff,*

15 **vs.**

)
) **CIVIL RIGHTS COMPLAINT**
) **PURSUANT TO 42 USC 1983,**
) **18 USC CHAPTER 13, 241,242**
) **USC TITLE 18 CHAPTER 55 §1201**

16 **KENNETH MEAD in his individual**
 17 **capacity,**
 18 **MICHAEL MADLAND in his individual**
 19 **capacity,**
 20 **FOX 5 KVVU-TV,**
 21 **METROPOLITAN POLICE**
 22 **DEPARTMENT,**
 23 **CLARK COUNTY NEVADA DOES**
 24 **1-30 INCLUSIVE,**

25 **Defendants.**

) **TRIAL BY JURY DEMANDED**
)
)

26 **COMES NOW, thomas benson complaining of the Defendants as follows;**

27 **INTRODUCTION**

1. This action is an action brought by the Plaintiff for violation of USC TITLE 18 > PART I > CHAPTER 13 > § 241, §242, USC TITLE 18 > PART I > CHAPTER 115 > > § 1201 Kidnapping, TITLE 42 U.S. Code § 1983, NRS 200.510

I. THE PARTIES

2. Plaintiff thomas benson is now and at all times relevant to this action as a “state” Citizen of Nevada.

3. Defendant MEAD is a Police officer. Defendant has a principal place of business located at LAS VEGAS METROPOLITAN POLICE DEPARTMENT 400 S. Martin L. King Boulevard Las Vegas, Nevada 89106

4. Defendant MADLAND is a Police officer. Defendant has a principal place of business located at LAS VEGAS METROPOLITAN POLICE DEPARTMENT, 400 S. Martin L. King Boulevard Las Vegas, Nevada 89106

5. Defendant FOX 5 KVVU-TV is a Corporation formed under the laws of the STATE OF NEVADA. Defendant has a principal place of business located at FOX5 KVVU-TV 25 TV5 Dr. Henderson, NV 89014.

6. Defendant LAS VEGAS METROPOLITAN POLICE DEPARTMENT is a Corporation formed under the laws of the state of NEVADA. Defendant has a principal place of business located at LAS VEGAS METROPOLITAN POLICE DEPARTMENT 400 S. Martin L. King Boulevard Las Vegas, Nevada 89106.

7. Defendant CLARK COUNTY, NEVADA is a corporation formed under the laws of the STATE OF NEVADA. Defendant has a principal place of business located at 500 S. Grand Central Pkwy., Las Vegas, NV 89155 .

II. JURISDICTION AND VENUE

1 8. The US District Court District of Nevada has jurisdiction pursuant to 15 U.S.C.
2 TITLE 18 *et al*, and 15 USC TITLE 42 *et al*, NRS 200.510 and the court has
3 concurrent jurisdiction over Plaintiff's tort state claims. Venue is proper as the
4 occurrences which give rise to this action took place within the State of Nevada.
5 Therefore venue is proper within this court.

6
7 **III. FACTUAL ALLEGATIONS**

8
9 9. On May 12, 2016, Plaintiff was traveling in his private automobile to 5464
10 Sierra Brook Court. Plaintiff stopped his car and was told by Defendant Officer
11 Madland Badge 9978 that there was a police investigation in progress and to leave.
12 Plaintiff immediately got in the car and started to travel. After 30 feet of travel,
13 Plaintiff stopped the car and used a phone to video record Miguel and Miguelito
14 Barraza in hand cuffs in front of a neighbor's house. An unidentified Officer then
15 yelled at plaintiff to stop the car. An unidentified Officer open the door to the car
16 and then told plaintiff to exit the car. Plaintiff was then placed in handcuffs and
17 told was being detained. plaintiff was then searched, Officer reaching into
18 plaintiff's pockets, plaintiff told Defendant Madland I do not give permission to
19 search, and Defendant Madland removed wallet, pen knife, removed without
20 permission from plaintiff's body. Plaintiff then observed Defendant Madland
21 searching Plaintiff's car, plaintiff told Defendant Madland. Plaintiff did not give
22 permission for car to be searched. Defendant Madland took papers out of
23 Plaintiff's car and gave them to Defendant Mead, which Defendant Mead did not
24 return. Defendant Mead also took possession of Plaintiff's property (American
25 National Identification Card), never issued a property receipt for taking any items
26 from plaintiff. Plaintiff's car was then towed by Ewing Brothers Towing Company.
27 Defendant Mead took Plaintiff's Identification card and a folder containing 4
28 laminated papers of Supreme Court Cases saying it is lawful to travel privately

1 without a driver license. After 2 hours in handcuffs, Defendant Mead took off the
2 cuffs, issued two tickets for driving without a driver license, texting while driving,
3 no insurance.

4 Plaintiff thomas benson is charged with:

5 **NRS 483.550 Driving without valid license.**

- 6
- 7 1. It is unlawful for any person to drive a motor vehicle upon a public street
8 or highway in this State without being the holder of a valid driver's
9 license.

10 Plaintiff is not a person.

11 US Supreme Court in Wilson v. Omaha Indian Tribe, 442 US 653, 667
12 (1979): "In common usage, the term 'person' does not include the sovereign, and
13 statutes employing the word are ordinarily construed to exclude it."

14
15 US Supreme Court in U.S. v. Cooper, 312 US 600,604, 61 S.Ct 742 (1941):
16 "Since in common usage the term 'person' does not include the sovereign,
17 statutes employing that term are ordinarily construed to
18 exclude it.,,

19
20 US Supreme Court in U.S. v. United Mine Workers of America, 330 U.S. 258
21 67 S.Ct 677 (1947): "In common usage, the term 'person' does not include
22 the sovereign and statutes employing it will ordinarily not be construed to do
23 so."

24
25 US Supreme Court in US v. Fox, 94 US 315: "Since in common usage, the term
26 'person' does not include the sovereign, statutes employing the phrase are
27 ordinarily construed to exclude it."
28

1 U.S. v. General Motors Corporation, D.C. Ill, 2 F.R.D. 52 8 ,530 : "In common
2 usage the word 'person' does not include the sovereign, and statutes employing
3 the word are generally construed to exclude the sovereign."

4
5 Church of Scientology v. US Department of Justice, 612 F . 2 d 4 17 @ 4 2 5
6 (197 9) : "the word 'person' in legal terminology is perceived as a
7 general word which normally includes in its scope a variety of entities
8 other than human beings., see e.g. 1, U.S.C. § para 1."

9 UCC 1-201 General Definitions (27) "Person" means an individual,
10 corporation, business trust, estate, trust, partnership, limited liability company,
11 association, joint venture, government, governmental subdivision, agency, or
12 instrumentality, public corporation, or any other legal or commercial entity.

13 American Law and Procedure, Vol. 13, page 137, 1910:

14 "This word 'person' and its scope and bearing in the law, involving, as it does,
15 legal fictions and also apparently natural beings, it is difficult to understand; but
16 it is absolutely necessary to grasp, at whatever cost, a true and proper
17 understanding to the word in all the phases of its proper use ... A person is here
18 not a physical or individual person, but the status or condition with which he is
19 invested ... not an individual or physical person, but the status, condition or
20 character borne by physical persons ... The law of persons is the law of status or
21 condition."

22 Plaintiff was not operating a motor vehicle.

23 **See USC TITLE 18 SECTION 31(6) DEFINITION OF MOTOR**
24 **VEHICLE**

25 (6)Motor vehicle.—

26 The term "motor vehicle" means every description of carriage or other contrivance
27 propelled or drawn by mechanical power and used for commercial purposes on
28 the highways in the transportation of passengers, passengers and property, or
property or cargo.

1 18 USCS § 31, term "used for commercial purposes" means the carriage of
2 persons or property for any fare, fee, rate, charge or other consideration, or directly
3 or indirectly in connection with any business, or other undertaking intended for
4 profit.

5
6 The term "driver" in contradistinction to "traveler," is defined as: "Driver – One
7 employed in conducting a coach, carriage, wagon, or other vehicle ..." Bovier's
8 Law Dictionary, 1914 ed., Pg. 940. Notice that this definition includes one who is
9 "employed" in conducting a vehicle.

10
11 Plaintiff was traveling in his private capacity, in his private car, not for hire, not in
12 commerce, not driving.

13 See attached 4 pages of supreme court cases and affidavit of facts (see Exhibit A)
14 that say plaintiff has the right to travel without a driver license. plaintiff does not
15 have a Nevada driver license or a driver license issued by any other state as
16 plaintiff is not operating a motor vehicle and is not required to have a driver
17 license. In the car was an international drivers permit issued by the American
18 National Travel Alliance, which Defendant MADLAND found while unlawfully
19 searching plaintiff's car. This travel permit is valid in the United States of
20 America, as the United States of America has signed the Geneva Convention on
21 International Road Traffic, agreeing to accept this International Driving Permit as
22 valid, dated 19 September 1949. plaintiff has this document in case he ever intends
23 to operate a motor vehicle as a driver. Defendant MADLAND showed this travel
24 permit to Defendant MEAD, and Defendant MEAD (assuming) said it is not valid
25 (SEE exhibit A) for the Geneva Convention document, copy of International
26 Driver Permit).

1 **NRS 484B.165** –

2 Using handheld wireless communications device to type or enter text, send or read
3 data, engage in non-voice communication or engage in voice communications
4 without use of hands-free device unlawful; exceptions; penalty. [Effective through
5 December 31, 2013.]

6 (a) Manually type or enter text into a cellular telephone or other handheld wireless
7 communications device, or send or read data using any such device to access or
8 search the Internet or to engage in non-voice communications with another person,
9 including, without limitation, texting, electronic messaging and instant messaging.

10
11 (b) Use a cellular telephone or other handheld wireless communications device to
12 engage in voice communications with another person, unless the device is used
13 with an accessory which allows the person to communicate without using his or
14 her hands, other than to activate, deactivate or initiate a feature or function on the
15 device.

16 Plaintiff was not using the phone or texting, plaintiff was stopped and filming with
17 his telephone miguel barraza in hand cuffs.

18 Plaintiff's charged with no insurance.

19
20 **Chapter 485 Motor Vehicles: Insurance and Financial Responsibility**

- 21 • NRS 485.187 Unlawful acts; fines and penalties; exceptions.
22 • NRS 485.187 Unlawful acts; fines and penalties; exceptions.

23 1. Except as otherwise provided in subsection 5, the owner of a **motor vehicle**
24 shall not:

25 (a) **Operate the motor vehicle**, if it is registered or required to be registered in
26 this State, without having insurance as required by NRS 485.185.

27 Plaintiff is not an owner of a motor vehicle, thereby is not required to have
28 insurance under this NRS.

1
2 **Murdock v. Penn., 319 US 105, (1943) "No state shall convert a liberty into a**
3 **privilege, license it, and attach a fee to it."**

4
5 **Plaintiff has a right to travel, the LAS VEGAS METROPOLITAN POLICE**
6 **DEPARTMENT is attempting to convert a liberty into a privilege by requiring**
7 **plaintiff to have a driver license.**

8 **Statutes and codes are for government employees. plaintiff is not a government**
9 **employee. See:**

10 **"All codes, rules and regulations are applicable to the government authorities only,**
11 **not Human/Creators in accordance with God's laws. All codes, rules and**
12 **regulations are unconstitutional and lacking in due process ..." RODRIQUES v**
13 **RAY DONAVAN (U.S. Department of Labor), 769 F. 2d 1344, 1348 (1985).**

14 **Plaintiff is foreign to the jurisdiction of the UNITED STATES, Plaintiff is not a**
15 **U.S CITIZEN, but is a "state" citizen (see exhibit C AFFIDAVIT OF**
16 **NATIONALITY).**

17
18 **(a) U.S Citizens do not have Constitutional rights. See Maxwell vs Dow.**

19 **(b) A U.S. Citizen upon leaving the District of Columbia becomes involved in**
20 **Interstate Commerce as a resident does not have the common law right to travel as**
21 **a Citizen of one of the several states. See Hendrick vs. Maryland.**

22 **(c) A U.S. Citizen does not have the right to bear arms, as guaranteed in the 2nd**
23 **amendment. See West vs. Louisiana.**

24 **(d) A U.S. Citizen is a fictitious entity and has no rights. See Wheeling Steel**
25 **Corp. vs Fox.**

26 **(e) U.S. Citizens are property of the Federal Government. See Wheeling Steel**
27 **Corp. Vs. Fox.**

1 (f) Civil rights, 14th amendment, are for U.S. Citizens, not state citizens. See
2 Wadleigh vs. Newhall.

3 (g) U.S. Citizens have no right to the custody of their infant children except
4 subject to the paramount right of the State. See Wadleigh vs. Newhall.

5
6 THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT is a corporation.
7 They are listed in Dun and Bradstreet under DUNS 085425762. This corporation
8 was formed in 2011, and has a paydex number of 67 based on 24 month of trading
9 on the stock exchange. The police had zero jurisdiction as a corporation to detain
10 Plaintiff take his property, kidnap, and take his car. (see DUN & BRADSTREET
11 REPORT-see EXHIBIT E).

12
13 **COUNT 1**

14 **VIOLATION OF NRS 200.510 LIBEL**

15
16
17 FOX5 KVVU-TV 25 TV5 was filming near the scene where Plaintiff was
18 unlawfully handcuffed and detained. FOX5 KVVU-TV 25 TV5 aired, made a
19 statement that 4 people had been arrested for squatting unlawfully in a house, then
20 they showed plaintiff's video recording in handcuffs. plaintiff was detained for
21 texting while driving, driving without a driver license, not detained for squatting.
22 FOX5 KVVU-TV 25 TV5 has willfully slandered plaintiff by showing this film
23 publicly, and is guilty of defamation of character, libel. This is in direct violation
24 of:

25 **NRS 200.510**

26 The legal definition of "libel" in Las Vegas, Nevada, is "a malicious defamation,
27 expressed by printing, writing, signs, pictures or the like, tending to blacken the
28 memory of the dead, or to impeach the honesty, integrity, virtue, or reputation, or

1 to publish the natural defects of a living person or persons, or community of
2 persons, or association of persons, and thereby to expose them to public hatred,
3 contempt or ridicule.”

4
5 **COUNT II**

6 **FALSE ARREST, FALSE IMPRISONMENT VIOLATION OF**
7 **Amendment IV**

8
9 The right of the people to be secure in their persons, houses, papers, and effects,
10 against unreasonable searches and seizures, shall not be violated, and no warrants
11 shall issue, but upon probable cause, supported by oath or affirmation, and
12 particularly describing the place to be searched, and the persons or things to be
13 seized. Defendant MEAD and Defendant MADLAND, unlawfully detained
14 Plaintiff. Unlawfully searched his body, unlawfully searched his car, unlawfully
15 towed his car, unlawfully stole items from car, and stole his American National
16 private identification card.

17 (see exhibit A, 4 pages of supreme court decisions that say no driver license
18 required when traveling privately not for hire)

19 10. No arrest warrant, or search warrant was issued against plaintiff.

20
21 **VIOLATION OF Fifth Amendment**

22 The Fifth Amendment creates a number of rights relevant to both criminal and civil
23 legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to
24 a grand jury, forbids “double jeopardy,” and protects against self-incrimination.
25 It also requires that “due process of law” be part of any proceeding that denies a
26 citizen “life, liberty or property” and requires the government to compensate
27 citizens when it takes private property for public use.

1 11. Plaintiff never had a grand jury. Plaintiff's property was seized (automobile),
2 identification card, papers from car.

3
4 **COUNT III**

5 **USC TITLE 18 > PART I > CHAPTER 13 > § 242. Deprivation of rights**
6 **under color of law**

7 **Whoever, under color of any law, statute, ordinance, regulation, or custom,**
8 **willfully subjects any person in any State, Territory, Commonwealth,**
9 **Possession, or District to the deprivation of any rights, privileges, or**
10 **immunities secured or protected by the Constitution or laws of the United**
11 **States, or to different punishments, pains, or penalties, on account of such**
12 **person being an alien, or by reason of his color, or race, than are prescribed**
13 **for the punishment of citizens, shall be fined under this title or imprisoned not**
14 **more than one year, or both; and if bodily injury results from the acts**
15 **committed in violation of this section or if such acts include the use, attempted**
16 **use, or threatened use of a dangerous weapon, explosives, or fire, shall be**
17 **fined under this title or imprisoned not more than ten years, or both; and if**
18 **death results from the acts committed in violation of this section or if such**
19 **acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or**
20 **an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be**
21 **fined under this title, or imprisoned for any term of years or for life, or both,**
22 **or may be sentenced to death.**

23
24 Defendant MEAD and Defendant MADLAND, unlawfully detained Plaintiff and
25 unlawfully searched his body, unlawfully searched his car, unlawfully towed his
26 car, unlawfully stole items from car, unlawfully kidnapped, and stole his American
27 National private identification card.

COUNT IV

**USC TITLE 18 > PART 1 > CHAPTER 13 > § 241 Conspiracy
against rights**

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured-

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Defendant MEAD and Defendant MADLAND, unlawfully detained Plaintiff and unlawfully searched his body, unlawfully searched his car, unlawfully towed his car, unlawfully stole items from car, and stole his American National private identification card.

COUNT V

18 U.S. Code § 1201 – Kidnapping

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when—

1 (1) the person is willfully transported in interstate or foreign commerce,
2 regardless of whether the person was alive when transported across a State
3 boundary, or the offender travels in interstate or foreign commerce or uses the mail
4 or any means, facility, or instrumentality of interstate or foreign commerce in
5 committing or in furtherance of the commission of the offense;

6 (2) any such act against the person is done within the special maritime and
7 territorial jurisdiction of the United States;

8 (3) any such act against the person is done within the special aircraft
9 jurisdiction of the United States as defined in section 46501 of title 49;

10 (4) the person is a foreign official, an internationally protected person,
11 or an official guest as those terms are defined in section 1116(b) of this title; or

12 (5) the person is among those officers and employees described in
13 section 1114 of this title and any such act against the person is done while the
14 person is engaged in, or on account of, the performance of official duties,
15 shall be punished by imprisonment for any term of years or for life and, if the death
16 of any person results, shall be punished by death or life imprisonment.

17 (b) With respect to subsection (a)(1), above, the failure to release the victim within
18 twenty-four hours after he shall have been unlawfully seized, confined, inveigled,
19 decoyed, kidnapped, abducted, or carried away shall create a rebuttable
20 presumption that such person has been transported in interstate or foreign
21 commerce. Notwithstanding the preceding sentence, the fact that the presumption
22 under this section has not yet taken effect does not preclude a Federal investigation
23 of a possible violation of this section before the 24-hour period has ended.

24 (c) If two or more persons conspire to violate this section and one or more of such
25 persons do any overt act to effect the object of the conspiracy, each shall be
26 punished by imprisonment for any term of years or for life.
27
28

1 (d) Whoever attempts to violate subsection (a) shall be punished by imprisonment
2 for not more than twenty years.

3 (e) If the victim of an offense under subsection (a) is an internationally protected
4 person outside the United States, the United States may exercise jurisdiction over
5 the offense if (1) the victim is a representative, officer, employee, or agent of the
6 United States, (2) an offender is a national of the United States, or (3) an offender
7 is afterwards found in the United States. As used in this subsection, the United
8 States includes all areas under the jurisdiction of the United States including any of
9 the places within the provisions of sections 5 and 7 of this title and section
10 46501(2) of title 49. For purposes of this subsection, the term "national of the
11 United States" has the meaning prescribed in section 1101(a)(22) of the
12 Immigration and Nationality Act (8 U.S.C. 1101(a)(21)).

13 UNITED STATES V. KOZMINSKI, 487 U. S. 931 (1988) "For purposes of
14 criminal prosecution under § 241 or § 1584, the term "involuntary servitude"
15 necessarily means a condition of servitude in which the victim is forced to work
16 for the defendant by the use or threat of physical restraint or physical injury or by
17 the use or threat of coercion through law or the legal process. This definition
18 encompasses cases in which the defendant holds the victim in servitude by placing
19 him or her in fear of such physical restraint or injury or legal coercion.
20

21 " Black's Law Dictionary, Sixth Edition, p. 266, ISBN 0-314-76271-X:
22 color of law: The appearance or semblance, without the substance, of legal right.
23 Misuse of power, possessed by virtue of state law and made possible only because
24 wrongdoer is clothed with authority of state, is action taken under "color of state
25 law." Atkins v. Lanning, D.C.Okl., 415 F. Supp. 186, 188. Defendants kidnapped
26 Plaintiffs, denied them their state Constitutional Rights, Bill of Rights.
27
28

1 Benson is a national of the united States of America, is foreign to the corporation
2 THE UNITED STATES, Defendant MEAD and Defendant MADLAND,
3 unlawfully detained plaintiff, kept him handcuffed for 2 hours against his will.
4

5 **COUNT VI**

6 **NRS 205.0832 THEFT OF PROPERTY**

7 **Actions which constitute theft.**

8 or diverts the services of another person to his or her own benefit or that of another
9 person without lawful authority to do so.

10 (g) Takes, destroys, conceals or disposes of property in which another person
11 has a security interest, with intent to defraud that person.

12 (h) Commits any act that is declared to be theft by a specific statute.

13 (i) Draws or passes a check, and in exchange obtains property or services, if
14 the person knows that the check will not be paid when presented.

15 (j) Obtains gasoline or other fuel or automotive products which are available
16 only for compensation without paying or agreeing to pay compensation.

17 12. A person who commits an act that is prohibited by subsection 1 which
18 involves the repair of a vehicle has not committed theft unless, before the repair
19 was made, the person received a written estimate of the cost of the repair.

20 13. Defendant MEAD stole Plaintiff's Identification card and personal papers
21 from car. Defendant MEAD had Plaintiff's car towed, which is also theft.
22 Defendant MEAD never had the authority to conduct an unlawful search and
23 seizure of Plaintiff's property.

24 14. Plaintiff is foreign to the UNITED STATES. (see exhibit C)

25 15. THE STATE OF NEVADA, LAS VEGAS METROPOLITAN POLICE
26 DEPARTMENT is a corporation. According to a supreme court decision Rundle
27 vs Delaware, a corporation cannot sue or contend with the living man. THE
28

1 STATE OF NEVADA, LAS VEGAS METROPOLITAN POLICE

2 DEPARTMENT is a corporation, plaintiff is a living man. LAS VEGAS

3 METROPOLITAN POLICE DEPARTMENT in STATE OF NEVADA has no
4 authority to sue or contend with the living man. (Supreme court decision Rundle v
5 Delaware)

6 16. Defendant MEAD and Defendant MADLAND have sworn an oath of office to
7 protect and uphold the constitution of Nevada. They are in fact in violation of that
8 oath by falsely detaining plaintiff, holding him in handcuffs for 2 hours, unlawfully
9 searching plaintiff's body, unlawfully searching plaintiff's car, seizing personal
10 belongings from plaintiff towing plaintiff's car.

11 "No state legislator or executive or judicial officer can war against the Constitution
12 without violating his undertaking to support it." COOPER v. AARON, 358 U.S.

13 17. Defendant MEAD and Defendant MADLAND have no immunity as police
14 officers, as they have violated plaintiff's constitutional rights, civil rights, civil
15 liberties.

16
17
18 **"No man in this country is so high that he is above the law. No officer of the**
19 **law may set that law at defiance with impunity. All the officers of the**
20 **government from the highest to the lowest are creatures of the law and are**
21 **bound to obey it. It is the only supreme power in our system of government**
22 **and every man who by accepting office participates in its functions is only the**
23 **more strongly bound to submit to that supremacy, and to observe the**
24 **limitations which it imposes upon the exercise of the authority which it gives"**.

25 "Shall it be said .. that the courts cannot give remedy when the citizen has been
26 deprived of his property by force, his estate seized and converted to the use of the
27 government without any lawful authority, without any process of law, and without
28 any compensation, because the president has ordered it and his officers are in

1 possession? If such be the law of this country, it sanctions a tyranny which has no
2 existence in the monarchies of Europe, nor in any other government which has a
3 just claim to well-regulated liberty and the protection of personal rights. "

4 *Pierce v. United States* ("The Floyd Acceptances"), 7 Wall. (74 U.S.) 666, 677
5 ("We have no officers in this government from the President down to the most
6 subordinate agent, who does not hold office under the law, with prescribed duties
7 and limited authority"); *Cunningham v. Macon*, 109 U.S. 446, 452, 456, 3 S.
8 Ct.292, 297.

9 ("In these cases he is not sued as, or because he is, the officer of the government,
10 but as an individual, and the court is not ousted of jurisdiction because he asserts
11 authority as such officer. To make out his defense he must show that his authority
12 was sufficient in law to protect him ... It is no answer for the defendant to say I am
13 an officer of the government and acted under its authority unless he shows the
14 sufficiency of that authority"); and *Poindexter v.*
15 *Greenhaw*, 114 U.S. 270, 287, 5 S.Ct. 903, 912.

16
17
18 **WHEREAS**, officials and even judges have no immunity (See, *Owen vs. City of*
19 *Independence*, 100 S Ct .1398;

20 *Maine vs. Thiboutot*, 100 S. Ct. 2502; and *Hafer vs. Melo*, 502 U.S. 21; officials
21 and judges are deemed to know the law and sworn to uphold the law; officials and
22 judges cannot claim to act in good faith in willful deprivation of law, they certainly
23 cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the
24 law, the courts have ruled there is no such thing as ignorance of the law, it is
25 ludicrous for learned officials and judges to plead ignorance of the law therefore
26 there is no immunity, judicial or otherwise, in matters of rights secured by the
27 Constitution for the United States of America. See: Title 42 U.S.C. Sec. 1983.
28

1 **"When lawsuits are brought against federal officials, they must be brought**
2 **against them in their "individual" capacity not their official capacity. When**
3 **federal officials perpetrate constitutional torts, they do so ultra vires (beyond**
4 **the powers) and lose the shield of immunity. " Williamson v. U.S. Department**
5 **of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293**
6 **U.S. App. DC 101,(CA DC 1991).**

7 "Personal involvement in deprivation of constitutional rights is prerequisite to
8 award of damages, but defendant may be personally involved in constitutional
9 deprivation by direct participation, failure to remedy wrongs after learning
10 about it, creation of a policy or custom under which unconstitutional practices
11 occur or gross negligence in managing subordinates who cause violation. "
12 (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988)).

13 The right of the people to be secure in their persons, houses, papers, and
14 effects, against unreasonable searches and seizures, shall not be violated, and
15 no warrants shall issue, but upon probable cause, **supported by oath or**
16 **affirmation**, and particularly describing the place to be searched, and the
17 persons or things to be seized.

18 The Fifth Amendment creates a number of rights relevant to both criminal
19 and civil legal proceedings. In criminal cases, the Fifth Amendment
20 guarantees the right to a grand jury, forbids "double jeopardy," and protects
21 against self-incrimination. It also requires that "due process of law" be part
22 of any proceeding that denies a citizen "life, liberty or property" and requires
23 the government to compensate citizens when it takes private property for
24 public use.

25 Plaintiff's never had a grand jury. Plaintiff's property was seized, id card,
26 papers (automobile).

27 Plaintiff is not a U.S. CITIZEN, but is a "state" citizen. (See exhibit C)

1 A corporation cannot sue or contend with a living man.

2 It appears that a corporation LAS VEGAS METROPOLITAN
3 POLICE DEPARTMENT STATE OF NEVADA is attempting to
4 sue, contend with plaintiff a living man.

5 **COUNT VII**

6 **VIOLATION OF AN ACTIVE LIEN**

7 Defendant MEAD issued two tickets to THOMAS ARVEL BENSON, a fictitious
8 name plaintiff has full possession of. (see exhibit D)

9 On 2/1/2016 Plaintiff filed a registration of fictitious name THOMAS ARVEL
10 BENSON with the STATE OF MISSOURI, (see exhibit D), with thomas arvel
11 benson the new owner of the fictitious name THOMAS ARVEL BENSON.

12 On 2/1/2016 Plaintiff also have a certificate of fact with the STATE OF
13 MISSOURI, certifying that THOMAS ARVEL BENSON is owned by Thomas
14 Arvel Benson, 9030 West Sahara Avenue 617 Las Vegas Nevada 89117 with full
15 ownership. (see exhibit D).

16 On 4/11/2016 a Commercial Possessory lien (exhibit D) was filed with the STATE
17 OF KANSAS FEDERAL COURT, case 6:16-mc-00102-EFM. This document lien
18 all wages, salary, assets, and all interests of THOMAS ARVEL BENSON. This
19 lien is for the amount of \$499,999,999.99 When Defendant MEAD used the
20 fictitious name of THOMAS ARVEL BENSON owned by plaintiff, he violated the
21 lien and now must pay plaintiff for the unlawful use of the fictitious name
22 THOMAS ARVEL BENSON.
23

24
25 **PRAYER FOR RELIEF**

26
27 **WHEREFORE**, Plaintiff request the following relief to be awarded for each
28 Count and each defendant:

- The amount of twelve million dollars for lawful money only Title 12 U.S.C. section 411 for damages, illegal arrest, illegal incarceration, theft, libel, kidnapping, payable in silver dollars. NRS. § 99.010.

Trial by Jury is Demanded.

Pursuant to 28 USC 1746(1), I declare under penalty of perjury under the Laws of the United States of America that the statements made on this Civil Rights Complaint and within this statement are true, correct.

With explicit Reservation of All Rights, Without Prejudice, Non Assumpsit, without the United States; 28 USC 1746 (1)

Dated: 6-8-16

By: 
thomas benson