IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

WILLIAM C. BOND
P.O. Box 4823
Baltimore, Maryland 21211,

*

Plaintiff *pro se*,

* Civil Action No.: 16-02723-DAF

v.

ROBERT MARK FREDERICK
Deputy United States Marshal
United States Marshals Service
District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201,

and

PATRICK S. DUGAN
Supervisory Special Agent
Federal Bureau of Investigation
Baltimore Field Office
2600 Lord Baltimore Dr.
Windsor Mill, MD 21244,

and

The Hon. MARVIN J. GARBIS
Senior United States District Judge
United States District Court
District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201,

and

The Hon. J. FREDERICK MOTZ
Senior United States District Judge
United States District Court

District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201,

and

The Hon. PAUL V. NIEMEYER
United States Circuit Judge
910 United States Courthouse
101 West Lombard Street
Baltimore, Maryland 21201,

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Defendants.

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SECOND AMENDED COMPLAINT WITH DEMAND FOR JURY TRIAL

Comes now plaintiff *pro se*, William C. Bond, (hereinafter "Plaintiff") and brings this lawsuit against Deputy United States Marshal for the District of Maryland Robert Mark Frederick; Supervisory Special Agent of the United States Federal Bureau of Investigation for the District of Maryland Patrick S. Dugan; and Senior United States District Judge Marvin J. Garbis and Senior United States District Judge J. Frederick Motz, both of the United States District Court for the District of Maryland; and United States Circuit Judge Paul V. Niemeyer of the United States Court of Appeals for the Fourth Circuit; all acting in their 'individual capacities' (hereinafter "Defendants").

This is a civil action for civil rights relief alleging long-standing misconduct regarding the misuse of the U.S. Marshals Service and the FBI, acting at the direction of three Maryland Article III judges outside the scope of their authority and immunity, to violate plaintiff's constitutional rights, including his First Amendment, Second Amendment, & due process rights

– all to cover up judicial misconduct, obstruction of justice, and systemic 'fraud upon the court' perpetrated against plaintiff by the defendants.

Plaintiff brings this action under Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), the First Amendment, the Second Amendment, & due process clauses of the U.S. Constitution, and any other laws, rules, or applicable parts of the constitution.

JURISDICTION AND VENUE

Jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1331.

Venue is proper in this Court pursuant to 28 U.S.C. 1391.

INTRODUCTION

This action concerns a long-term dispute over a valuable item of personal property, a literary manuscript of high monetary and artistic value, which was taken and kept from plaintiff for no legitimate reason.

FACTS

1. Plaintiff has been involved in significant Maryland federal court litigation, both through counsel and *pro se*, since 2001. Plaintiff has lost motions and cases in ways that not only seemed unfair, but unconstitutional.[1]

[1] Plaintiff's litigation history is summarized in Count VI.

2. Having had enough of the judicial imperturbability shown toward plaintiff's allegations regarding the deprivation of his constitutional rights, plaintiff then decided to publicly protest what he saw as 'provable corruption' in the Baltimore U.S. Courthouse at the courthouse itself.

3. Beginning in April 2013, plaintiff created a public relations campaign called '**Baltimore Corruption Wire**.'

4. This campaign was supported by several social media platforms.

5. The campaign was focused around an advertising slogan "**Is the 'WHITE GUERRILLA FAMILY' running the Maryland federal court?**"

6. This ad campaign slogan ran in print and web formats in Baltimore's *City Paper* during summer and fall 2013 to much notice. The first ads appeared on July 17, 2013.[2]

7. Plaintiff also wrote an Op-Ed for *The Baltimore Sun* detailing what had recently transpired in the "Bromwell" public corruption case titled "CORRUPTION *Sub Curia*." When the Op-Ed was rejected over length concerns by *The Sun's* editors, plaintiff then made the Op-Ed the center of

[2] Please see: Exhibit nos.: 1 & 2. The ads can also be seen here: (1) https://www.scribd.com/doc/296483607/Corruption-Wire-web-ad & (2) https://www.scribd.com/doc/296483897/Corruption-Wire-print-ad

his anti-federal-court-corruption activities. The Op-Ed explains the background for plaintiff's First Amendment objections as to what he saw going on at the Baltimore U. S. Courthouse.[3]

8. Then, plaintiff announced a public protest schedule to begin August 4, 2013, at the Baltimore U.S. Courthouse.

COUNT I

9. The first knock on your door from government law-enforcers is something one never forgets.

10. On July 19, 2013, and July 30, 2013, plaintiff was visited at his then-apartment by one Deputy U.S. Marshal (hereinafter "DUSM") and by one FBI agent.

11. During the July 19, 2013, meeting, the federal agents wished to come inside plaintiff's residence to "talk." As they had no 'search warrant,' plaintiff declined that request, but he did agree to meet with the agents in a 'common room' of his then-apartment building.

12. The agents followed plaintiff to this 'common room' and acted, on guard, as if plaintiff were a physical threat to them.

13. The DUSM, whose name was Robert Mark Frederick, voiced several times how much he had been looking forward to meeting plaintiff.

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[3] Please see: Exhibit no.: 3, the subject Op-Ed, which may also may be viewed here: https://www.scribd.com/doc/136418039/William-Bond-CORRUPTION-Sub-Curia-op-ed

14. The FBI agent, whose name was Special Agent Chris Wood, who led the questioning, peppered plaintiff with questions regarding the potential safety of various government officials and federal judges, some of whom were former neighbors of plaintiff, and one whose daughter used to babysit for plaintiff's stepchildren.

15. Plaintiff was alarmed by the agents' line of questioning because he had never physically threatened any government officials or federal judges in any way. Plaintiff made it clear his only goal was to have certain judges judicially reprimanded and/or sanctioned, and for his stolen property and resultant damages in a long-running case returned to him.

16. FBI Special Agent Wood asked repeatedly what could be done to make the scheduled courthouse protests go away?

17. The next day, on July 20, 2013, plaintiff memorialized this meeting in writing and put the Maryland U.S. Attorney's Office, including several of their top officers, on direct notice that these alleged concerns by government law-enforcers over nonexistent and never explained 'threats' allegedly attributed to plaintiff were fabricated by the government and had no basis in fact.[4]

[4] Please see: Exhibit no. 4, plaintiff's July 20, 2013, email to the USAO MD with noted sections highlighted for the court's convenience and email addresses redacted. The court should also note that while this communication is somewhat rambling because plaintiff was very angry about what had just been done to him by the government, it clearly shows plaintiff's state of mind at the exact time in question, and that his injuries were real.

18. The second knock on your door from government law-enforcers provokes fear. Why are they back?

19. Before plaintiff opened his then-apartment door on July 30, 2013, he asked the federal agents outside if they had a warrant, which they, again, did not have.

20. When plaintiff opened his then-apartment door – staying within the threshold, this is what he saw: Standing directly across from him was the same DUSM from the first visit, Robert Mark Frederick, whom plaintiff would later learn was the Chief of the Maryland U.S. Marshals Service's Protective Intelligence Unit (hereinafter "USMS PIU"). To plaintiff's direct right, in a semi-ready-to-tackle-stance was a different FBI agent than from the first visit, Patrick S. Dugan, whom plaintiff would later learn was the FBI's Supervisory Special Agent in charge of the Baltimore Field Office's 'Violent Crimes Unit.'

21. The federal agents demanded plaintiff's firearms, which plaintiff denied having.

22. The federal agents again requested to come inside plaintiff's then-apartment, which plaintiff denied them permission to do.

23. Plaintiff then agreed to go speak with the federal agents in the same 'common room' as before once plaintiff was repeatedly assured that the federal agents had no warrant to arrest plaintiff.

24. Again, plaintiff was followed to the 'common room' and treated again as if he were a physical threat.

25. The new FBI agent, whose code name was "Undertaker," led the questioning. Again, were any government officials or federal judges in any danger from plaintiff? Plaintiff's answers were repeatedly "no" and "no."

26. Where were plaintiff's guns? Where were plaintiff's guns? Many times, it was asked. Plaintiff even had to stand up, raise his shirt, and turn around to show the agents that he had no handguns on his person.

27. As plaintiff's firearms were confiscated in 2001, as described in detail in Count VI, by the State of Maryland in a criminal action (charges dismissed, record expunged), plaintiff proffered that they should know where the guns were. Yet, the agents claimed the state gun database still showed plaintiff owning firearms. Plaintiff told the agents that all his former guns were either with his ex-wife or unreturned by the State of Maryland.

28. Again, as FBI Special Agent Wood had earlier asked, FBI Supervisory Special Agent Dugan asked – holding some of plaintiff's 'White Guerrilla Family' promotional literature in his hand – "What would it take to make this [the planned demonstrations] go away?"

29. Plaintiff proffered to Agent Dugan that the United States Attorney was the one who should be asking that question and that plaintiff was happy to meet with him re: same.[5]

30. The FBI agent didn't like that answer, and stated that he was sent here and had to immediately report back – to whom, he would not say.[6] At that point, many of the same issues discussed in Count VI were discussed with a focus on what the government could offer as a resolution of plaintiff's greater complaints regarding the underlying long-running litigation. Agent Dugan didn't fully understand the back story of the long-running litigation and how the "Bromwell" public corruption case fit into the picture. DUSM Frederick calmly explained to Agent Dugan that the "Bromwell" case was like a "domino," and that if plaintiff was able to be victorious in that action, it would create a "domino-effect" and thus cause plaintiff to run the table and win all his long-running litigations very quickly.

31. As the agents left, they asked for the name of plaintiff's ex-wife so as to confirm that she was in possession of firearms they believed plaintiff still possessed. Plaintiff was warned that if they

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[5] Later, in fall 2013, the FBI agent would schedule, then cancel, a meeting between the FBI, USMS, & the USAO MD, to be held, as a courtesy, in a major law firm's conference room.

[6] On information and belief, "Judge Motz" was independently operating & controlling the government agents outside of the normal 'chain-of-command.'

found him to still be in possession of firearms that they would come back and "slap the bracelets [handcuffs] on his wrists and take him straight to Central Booking [Baltimore City Jail]."

32. The USMS PIU manuals specifically speak about the unit being prohibited from using their resources to violate the First Amendment rights of citizens.[7]

33. Yet, the timing of these visits, especially the attempt to arrest plaintiff for illegal weapons possession, was intended with one goal and one goal only in mind: to prevent and/or intimidate plaintiff's planned demonstrations at the Baltimore U.S. Courthouse on August 4, 2013.

34. Clearly, as alleged later in this complaint, the government was surveilling plaintiff since 2010. If government officials and/or federal judges were in such physical danger from plaintiff why would the government law-enforcers wait so long to make contact with plaintiff and contest his supposed actions?

35. Clearly, as well, it is simply implausible to say that after three years of surveillance, now, just two (2) days after plaintiff's first *City Paper* ads – ads which received much notice in Baltimore – the law enforcers suddenly found exigent reasons to attempt to intimidate and influence plaintiff's First Amendment rights. For example, because of this first visit by the law-enforcers, plaintiff was forced to consult a criminal defense lawyer, other lawyers and business people, numerous friends, to worry and lose much sleep, and to be greatly distracted when he was on an

[7] Please see: Exhibit no.: 5, the USMS Policy Directives, Judicial Security, 10.7 Protective Investigations at D. 7. (See, Page 2.)

abbreviated time line and had much still to do to organize the August 4, 2013, protests, amongst many other things. This worry and distraction chilled and curtailed the robustness of plaintiff's first amendment activity – as one would expect following visits from interrogating law enforcement personnel asking 'What will it take to get you to shut up?'

36. It is also implausible that the reason the law enforcers came back a second time to arrest plaintiff for alleged illegal weapons possession just five (5) days before his planned demonstrations was out of fear for the safety of government officials or federal judges – as those manufactured fears had already been allayed by their first visit and plaintiff's letter to the USAO MD – and that this second act was not anything but another effort to stop plaintiff's planned demonstrations and to violate his First Amendment rights. Otherwise, why bring up detailed talk of 'settlement'? This second visit caused plaintiff the same injuries and curtailed speech as just recounted above, only they were exacerbated, as plaintiff now only had five (5) days left before his first protest at the Baltimore U.S. Courthouse.

37. But, there is another reason to believe the government agents acted unconstitutionally: In 2013, plaintiff was legally allowed, both by state and federal law, to possess firearms.[8]

38. The reason for this was Congress, since at least 2007, had ceded restoration of certain firearms rights to participating states, Maryland being one of them, via the NICS Improvement

[8] Please see: Exhibit nos.: 6, 7, & 8, plaintiff's 2001 physician's certificate and the 2013 Maryland law.

Amendments Act of 2007. See, Tyler v. Hillsdale Cty. Sheriff's Dep't, 837 F.3d 678 (6th Cir. 2016) (en banc).[9]

39. Further, the Maryland United States Attorney's Office knew that plaintiff was not in violation of any firearms laws, as plaintiff's former Maryland criminal defense lawyer – again, plaintiff's litigation history is discussed in more detail in Count VI – had discussed plaintiff's firearms qualifications with Barbara S. Sale, the USAO MD's Chief, Criminal Division, in 2006-2007.

40. Not only has the government been threatening plaintiff with illegal arrest should he reacquire firearms since at least 2006-7, but they actually tried to do exactly that on July 30, 2013, both in violation of plaintiff's Second Amendment rights, and to misuse the law to violate plaintiff's First Amendment rights.

41. After the July 30, 2013, threats, DUSM Frederick continued the threats by seeking information from plaintiff's ex-wife to arrest plaintiff sometime before the August 4, 2013, initial protest. These acts continued as described later in this complaint.

42. These intentional, knowing, bad-faith, and illegal acts by the defendants caused plaintiff great worry, anxiety, fear, sleeplessness, etc., amongst many other things, as it was clear to

[9] Please see: Exhibit no.: 9, the subject Tyler opinion, page 4, which can also be viewed here: http://www.opn.ca6.uscourts.gov/opinions.pdf/16a0234p-06.pdf

plaintiff that the federal officials who had wronged him would stop at nothing to defeat his constitutional rights.

43. Wherefore, for the aforementioned illegal conduct, plaintiff seeks $5,000,000 from the defendants for compensatory damages, and $10,000,000 from the defendants for punitive damages.

[COUNTS II, IV, & V from the original Complaint are deleted from this Second Amended Complaint.]

COUNT III

44. The protests began on August 4, 2013.

45. During these protests, plaintiff was always supervised by the DUSM PIU agent and often by Federal Protection Service officers, sometimes in full SWAT gear.

46. Naturally, the DUSM agent and plaintiff became acquainted, especially as DUSM Frederick had claimed he had long-wanted to meet plaintiff.

47. DUSM Frederick continued to probe plaintiff regarding his alleged possession of illegal guns and wondered if plaintiff had any guns "buried." At one protest in early fall 2013, DUSM Frederick told plaintiff about a conversation he had just had with Agent Dugan. Agent Dugan had "asked [him] if we need to have the [FBI] SWAT Team come and arrest Bill [plaintiff]?" He

then recited more of the conversation he had with Agent Dugan as to whether plaintiff "would survive a night in Central Booking [Baltimore City Jail]?"

48. Yet soon, DUSM Frederick came to see that plaintiff was no "sociopath" as he insinuated the U.S. DOJ profilers had attempted to "mark" him, but was instead, in his words, a "lover," not a "fighter," who just wanted to "go back to the country club," which was how DUSM Frederick – a big football fan – saw former tennis players such as plaintiff.

49. Plaintiff and DUSM Frederick spent much time chatting at the Baltimore U.S. Courthouse during plaintiff's demonstrations.[10]

50. Plaintiff also learned, while chatting with federal law-enforcers during his protests, that the 'judges' were misusing the U.S. Marshal's indoor courthouse gun range.[11]

51. Several times DUSM Frederick explained that the reason he had always wanted to meet plaintiff was because of his particular letter writing abilities, letters which acted as 'prosecutions' of certain judges and other government officials' reputations. Apparently, plaintiff had really gotten under the skin of certain judges and officials.

52. When plaintiff queried how long this desire had existed, the DUSM explained that he had

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[10] The DUSM was convinced (as the government's 'expert' on plaintiff) that plaintiff was in the "right" and that he had "gotten f**ked-over by the 'judges,'" which was a statement he made many times.

[11] This information became a qui tam lawsuit. Please see: 15-cv-00199-DAF (D. Md.).

been surveilling plaintiff since 2010.

53. This revelation surprised plaintiff very much, as plaintiff had wondered many times how the government always seemed to be one step ahead in many parts of his continuing litigations.

54. It is a clear due process violation for a government entity to spy upon a citizen who is suing the government. And it is implausible to say that plaintiff must plead specifics on this allegation when only the government knows what information they gained by the surveillance of plaintiff that they then used against him in the continuing litigations. In short, the spying upon plaintiff, if used in litigation, as opposed to legitimate law enforcement purposes, is a gross constitutional violation by the government.

55. This continual surveillance is also a violation of the rules of court, which government attorneys are required to follow. That no government attorney ever notified any federal judge supervising federal litigations before them of this issue, either *ex parte* or under seal, shows impermissible intent on behalf of the defendants.

56. Further, because of this admitted governmental surveillance of plaintiff, plaintiff was forced to limit and curtail the freedom of his expression to others via the telephone, the internet, and by other means, from 2013 forward.

57. These intentional, knowing, bad-faith, and illegal acts by the defendants caused plaintiff

great worry, anxiety, fear, sleeplessness, etc., amongst many other things, as it was clear to plaintiff that the federal officials who had wronged him would stop at nothing to defeat his constitutional rights.

58. Wherefore, for the aforementioned illegal conduct, plaintiff seeks $5,000,000 from the defendants for compensatory damages, and $10,000,000 from the defendants for punitive damages.

COUNT VI

59. Plaintiff is the author of the unpublished fictionalized copyrighted manuscript titled *Self-Portrait of a Patricide.*

60. In the spring of 2001, plaintiff discovered that a copy – one of only two in known existence – of his manuscript had been stolen from the law offices of his deceased attorney by actors in a child custody proceeding in Baltimore City, Maryland.

61. The custody case pitted plaintiff's ex-wife's ex-husband and her father (hereinafter the "custody case opponents") against plaintiff's ex-wife and him.

62. These custody case opponents had earlier been investigated, indicted, and prosecuted by the Maryland U.S. Attorney's Office in a multi-district action. This action resulted in convictions and fines.

63. In the late spring of 2001, plaintiff discovered that a handgun had been stolen from a locked gun safe in his home. Plaintiff made a police report about this incident to the Baltimore City Police Department.

64. On May 25, 2001, plaintiff's and his ex-wife's home was raided by a Maryland State Police SWAT team and plaintiff was charged with illegal handgun possession. Plaintiff spent one night in Central Booking, Baltimore's notorious & very dangerous jail.

65. The basis of the charges was that plaintiff had spent more than 30 days in a mental health facility due to an Ohio 1981 juvenile delinquency adjudication, and thus was prevented by Maryland law from possessing firearms.

66. Plaintiff immediately retained the "dean" of the Maryland criminal defense bar, one Richard M. Karceski, Esq.

67. The first thing Karceski did was to call plaintiff's former Ohio attorney named Gerald A. Messerman. Messerman had always told plaintiff that his juvenile record would be expunged at a certain date and then later wrote plaintiff a formal letter stating that his juvenile record was expunged. Nevertheless, the State of Maryland was using plaintiff's Ohio juvenile record to

prosecute him and Karceski asked Messerman how that was possible if the subject record was expunged?[12]

68. Turned out plaintiff's juvenile record – despite the Messerman letter to the contrary – was never expunged.

69. Plaintiff was in very big trouble. The State of Maryland was seeking a 10-year-prison-sentence for a misdemeanor, and was not even hiding the fact that they were trying to re-punish plaintiff for his juvenile act, according to the Maryland Assistant Attorney General who was prosecuting the case.

70. Both the custody case opponents and the State of Maryland then sought to use plaintiff's stolen manuscript in their respective cases – to rip plaintiff's ex-wife's children from her custody and to imprison plaintiff for 10 years.

71. Plaintiff hired a top First Amendment lawyer who then filed a copyright action to gain the return of the manuscript, all copies made, and to prevent its further unauthorized use, in the U.S. District Court for the District of Maryland on August 29, 2001. This case was assigned to U.S. District Judge Marvin J. Garbis.

[12] Please see: Exhibit nos.: 10 & 11, Gerald A. Messerman, Esq., 1986 & 1994 letters to plaintiff.

72. Karceski had many conversations in 2001 & 2002 with Messerman. The book was a big subject, especially as Messerman had read an earlier draft in the early 1990's. Messerman knew in the late spring and early summer of 2001 that the copyright case was coming. When it was filed, Messerman asked Karceski who the judge was? Karceski told him it was Judge Garbis. Messerman then told Karceski that he knew Judge Garbis, but did not say why or how.

73. Importantly, Messerman knew at this time that he was subject to a malpractice action based upon his false representation to plaintiff that his juvenile record was expunged, a false representation that had actually gotten plaintiff charged with a crime. In speaking with Karceski, Messerman acted more like a prosecutor toward plaintiff and defended himself that there was no malpractice if plaintiff was convicted of the handgun charges due to the vagaries of malpractice liability. Messerman was also very worried about his high-profile and spotless reputation, as he claimed to have never been sued before for malpractice.

74. Despite the clear error, Messerman adamantly refused to come to Maryland and testify truthfully in the criminal case as to his incorrect and false representations to plaintiff.

75. On November 20, 2001, Judge Garbis held a TRO hearing in the copyright case. Information – for the first time – was introduced into the court record regarding Messerman's contacts in the late 1980's with one of the copyright case defendants.

76. Ruling from the bench, and after making a very brief reference to knowing Messerman and complimenting his legal acumen, Judge Garbis refused to order the return – ever – of any or all copies of plaintiff's property and ordered plaintiff to pay the individual defendants' legal fees. In essence, Judge Garbis ordered plaintiff to pay the thieves for their efforts expended to steal his property.

77. Soon after this order, plaintiff flew to Cleveland, Ohio for an unpleasant meeting with Messerman. At this meeting, Messerman told plaintiff that Judge Garbis and he were graduate school classmates in 1961 at an exclusive 8-member program run by Georgetown University Law School called the E. Barrett Prettyman Fellowship. When accepted at this program, the graduate law students all lived together in a Washington, D.C., row home under the supervision of a professor who also directed them in providing legal defense for low-income city residents. In short, Judge Garbis and Messerman were housemates in post-graduate law school. Later, they would visit each other both in Ohio and, on information and belief, when Judge Garbis held a bat mitzvah for one of his daughters in Maryland, amongst other contacts.

78. The criminal case against plaintiff (See again ¶¶ 65-66 above) was dismissed by Baltimore City Circuit Court Judge John C. Themelis, after almost one year of intense litigation, on April 22, 2002, based upon the expert opinion of noted Maryland forensic psychiatrist Michael K. Spodak who provided a 'certificate' to the court, required under Maryland law, testifying as to plaintiff's 'capability' to possess firearms at all times in question.[13]

[13] Please see, again: Exhibit no.: 6.

79. On January 24, 2003, the U.S. Fourth Circuit issued a published opinion in the appealed copyright case. Writing for the court, U.S. Circuit Judge Paul V. Niemeyer stated that Judge Garbis had not gone far enough and ordered that the law firm defendants, who were self-represented, could now seek attorneys' fees from plaintiff. Judge Niemeyer also suggested that the remedy to the conversion of plaintiff's copyrighted property lay in a state action despite federal copyright law preempting state law.

80. On remand, Judge Garbis awarded the full set of copyright actors more than $181,000 in attorneys' fees.

81. Soon after, Judge Garbis' recusal was sought. Judge Garbis responded with an order denying that request, and stated, in pertinent part:[14]

> "When assigned this instant case in August of 2001, I noted that Plaintiff's criminal counsel in Cleveland had been Mr. Messerman. **This fact was of no moment to me whatsoever**." (Emphasis added.) [Judge Garbis Memorandum and Order, April 23, 2003.]

It is clear from this statement, as plaintiff's copyright action was filed on August 29, 2001, and made no mention of Messerman, that Messerman was having secret, clandestine conversations with either Judge Garbis, or someone on his behalf.

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[14] Please see: Exhibit no.: 12, Judge Garbis Memorandum & Order re: Recusal at docket entry no.: 108 in case no.: 1:01-cv-02600-MJG (D. Md.). The court should also note how Judge Garbis substituted the word "criminal" for "juvenile."

82. Plaintiff then sued all the copyright actors, Messerman, and others, in three different Maryland state actions that lasted from 2003 until 2006. All of these state actions were dismissed, except for one settlement, with both trial and state appellate courts relying almost wholly upon the federal rulings of Judges Garbis & Niemeyer.

83. Later, in 2008, plaintiff met with a very prominent Baltimore lawyer in his/her office. (This person's identity is being withheld at this time to protect him/her from unnecessary exposure to retaliation.)

84. This lawyer knew Judge Garbis very well.

85. Sometime in 2004-2006, the prominent Baltimore lawyer spoke to Judge Garbis about plaintiff. During this conversation, Judge Garbis made many highly disparaging remarks about plaintiff. These remarks surprised the prominent Baltimore lawyer because, familiar with plaintiff and his issues, he saw plaintiff to be in the right.

86. Judge Garbis told the prominent Baltimore lawyer that plaintiff was a "very bad man," that "plaintiff was very dangerous," that "[the prominent Baltimore lawyer] should stay away from [plaintiff]," and many other things that all showed pervasive bias toward plaintiff. The prominent lawyer told plaintiff that Judge Garbis had actual "bias" against him. The prominent lawyer also suggested that, if plaintiff could not correct what Judge Garbis had done to him in the copyright

case, that plaintiff should hold "public protests" at the U.S. courthouse against Judge Garbis, which is when plaintiff first got the idea for the protest schedule he would later undertake in 2013.

87. The Maryland mental health facility where plaintiff was sent in 1981 by an Ohio juvenile court was also sued in Maryland state court for handing out plaintiff's complete medical & mental health records, absent a subpoena, in summer 2001 to the Maryland Attorney General's Office, who, as already stated, was prosecuting the criminal case relating to plaintiff's firearms.

88. Sometime between 2003–2005, the lawyer representing The Sheppard and Enoch Pratt Hospital, Daniel J. Moore, told plaintiff's lawyers in that case that a board member, who was also a lawyer, was "adamantly outraged" that plaintiff had sued the hospital and had ordered Mr. Moore to "under no circumstances" settle plaintiff's claims. This was very odd considering the claimed violations were of federally protected records. These statements were allegedly made in front of other board members and/or witnesses.

89. On information and belief, that lawyer was also a U.S. District Judge named J. Frederick Motz. Judge Motz, and his father before him, were very long-term Board of Trustees members & chairs of the hospital and took a very personal and protective interest in the institution.[15]

[15] Please see: Exhibit no.: 13, the SEPH Board of Trustees as of 2017.

90. During discovery in the three state lawsuits, plaintiff discovered that the copyright case actors, at the direction of copyright case lawyers, had not turned over reams of subpoenaed documents and had committed perjury under oath regarding material facts, such as not producing documents that showed they knew in advance that they were going to plaintiff's deceased lawyer's office to attempt to gain plaintiff's property.[16] These three state cases which plaintiff pursued because he was sent in that direction by federal court orders in the copyright case consumed an extraordinary amount of resources.

91. On August 30, 2005, plaintiff was struck by a car while riding his bicycle in Baltimore's rural countryside and suffered catastrophic injuries. Plaintiff spent more than a year in recovery, during which time he exceeded the best prognosis. Constantly on his mind the entire time was all of which was just stated above.

92. Beginning in 2007, plaintiff began his *pro* se efforts to gain justice in the copyright case and related issues by filing three (3) separate *pro se* actions in the Maryland U.S. District Court.

93. First, plaintiff challenged Judge Garbis' recusal and other orders under FRCP 60.

94. Then plaintiff filed a FRCP 60 "Independent Action" seeking tort damages against the copyright actors. The district court assigned this action to Judge Motz. This assignment was

[16] In July 2004, the USAO MD opened a criminal investigation into these matters led by the office's Chief, Criminal Division, Barbara S. Sale. Coincidentally, as a young AUSA, Mrs. Sale had led the aforementioned prosecution of the custody case opponents. Nevertheless, prosecution was declined and the investigation was closed in May 2005.

troublesome to plaintiff for several reasons, most immediately, the above-mentioned Sheppard & Enoch Pratt Hospital situation.

95. Plaintiff also sued under the FOIA the Maryland U.S. Attorney's Office for their criminal investigative files from their 2004-6 investigation regarding the copyright case and the Maryland U.S. District Court for information about one of the copyright case actors that was 'under seal' in the "Bromwell" public corruption case.

96. Judge Garbis again refused to answer substantively as to any of the recusal issues, i.e., how did he know about Messerman's and plaintiff's relationship before he was assigned the copyright case? Clearly, the basic fact regarding recusal motions is that a subject judge is frequently in unique possession of the information sought and, thus, has a special obligation to come forward and disclose all relevant facts to the parties, fully and robustly. Certainly, federal law, the judicial canons, and abundant case law, are all clear: federal judges dealing with recusal should err on the side of facts that will support recusal. Further, it is inappropriate for a federal judge to conceal or fail to disclose recusal related facts known to the judge, like here, with the later-discovered intensity of the prior relationship between Judge Garbis and Messerman.

97. Importantly, Judge Garbis also never mentioned his pervasive bias against plaintiff as recounted above to the prominent Baltimore lawyer.

98. Judge Motz refused to entertain any substantive analysis of the FRCP 60 allegations, instead relying upon *res judicata* of Judge Garbis' 2001 opinion as defeating *later* discovered fraud upon the court allegations.

99. Importantly, Judge Motz never put upon the record that he hated plaintiff and that he had intervened to prevent the Sheppard & Enoch Pratt Hospital, of which, as discussed above, he was a long-term board member and chair, from fairly financially settling the obvious wrong they had committed against plaintiff.

100. The FOIA case was litigated to a settlement conference, at which point the settlement judge informed plaintiff that if he wished the "Bromwell" records, that he could not get those records under the FOIA from the court, but instead plaintiff had to go back to the presiding judge and make a proper request to him.

101. Plaintiff then took these three *pro se* actions to the U.S. Fourth Circuit, who ordered the defendants to answer in the primary copyright case FRCP 60 action. Nevertheless, all three actions were dismissed without any substantive review at the direction of Judge Niemeyer and other panel members.

102. Plaintiff then took all three matters to the U.S. Supreme Court, which denied plaintiff's petitions for certiorari in early 2009.

103. Heeding the settlement judge's instructions, plaintiff then moved in March 2009 to unseal the "Bromwell" attorney disqualification records before the correct U.S. district judge. The name of that judge was Judge Motz, who again never brought up his pervasive bias issues against plaintiff as discussed above.

104. Surprisingly, the Maryland U.S. Attorney's Office now joined plaintiff in his efforts to unseal the "Bromwell" records. This act made local and national news.[17]

105. But, Judge Motz ignored all efforts to unseal the subject documents.

106. Plaintiff then took the matter to the U.S. Fourth Circuit where he was joined again by the Maryland U.S. Attorney's Office. Again, in an unpublished opinion, Judge Niemeyer and fellow panel members dismissed the case without any analysis of the substantive issues.

107. All matters now dismissed, an intermediary prompted an informal meeting between Judge Niemeyer and plaintiff. Plaintiff's goal was to find out what the basis was for the denial of all his rights before Judge Niemeyer over many years.

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[17] Please see these two Maryland *Daily Record* news stories: (1) https://www.scribd.com/document/136425369/Federal-prosecutors-willing-to-unseal-more-Bromwell-docs-Maryland-Daily-Record-April-10-2009 & (2) https://www.scribd.com/document/136425931/Bromwell-documents-to-remain-sealed-Maryland-Daily-Record-July-17-2009.

108. Plaintiff met twice with Judge Niemeyer in the summer of 2010. Judge Niemeyer told plaintiff that his litigations "should have never been brought," that "they would never let him win," and that "if you don't stop [your litigations], you will be destroyed," amongst many other things.[18]

109. In fall 2010, seeking shelter from the Maryland and Fourth Circuit courts, plaintiff filed a lawsuit against the Maryland U.S. Attorney's Office and *The Washington Post* newspaper in the U.S. District Court for the District of Columbia. The lawsuit was based upon statements made to plaintiff by Judge Niemeyer that allegedly reset the statute of limitations against the U.S. DOJ for declining to prosecute the copyright case actors in 2004-6 for non-allowed reasons. The D.C. court dismissed the case in summer 2012, all the while refusing to acknowledge plaintiff's evidence regarding his meetings with Judge Niemeyer.

110. Not backing down, in August 2012, plaintiff came right back to Judge Motz in the "Bromwell" case and filed a new recusal motion, including, in detail, the information gained from Judge Niemeyer.[19] This time the Maryland U.S. Attorney's Office was silent.

111. Again, not only did Judge Motz not answer the newly-learned recusal issues, he again neglected to reveal his past conduct against plaintiff in the earlier described Maryland state lawsuit.

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[18] Please see: Exhibits nos.: 14, 15, & 16; the memorandum, pages 12-13, and the affidavit, at docket no. 239 in 01-cv-2600-MJG (D. Md.), and the motion to recuse filed in Fourth Circuit case no.: 14-6017.

[19] Please see, again: Exhibit nos.: 14, 15, & 16.

112. In late 2012 and early 2013, plaintiff complained about the above-mentioned judicial disabilities to the Chief Judge of the U.S. Fourth Circuit, who returned the complaint to plaintiff, and to U.S. Senator Barbara Mikulski, who referred the matter to U.S. DOJ, where it died in a procedural Catch-22.

113. Plaintiff's decision to publicly protest what he believed to be long term corruption at the Baltimore U.S. Courthouse in 2013 was no lightly undertaken matter, but one considered after some then-12-years-of-non-stop litigation where plaintiff's inability to recover his own property and damages resulting from same was both nonsensical and legally unjustified.

114. The motive in this long story is simple, Judge Garbis set out to protect his old classmate, housemate, and friend Messerman in any way he could from 2001 forward.

115. Judge Garbis' conduct, by stating in his 2003 recusal order that he knew, when assigned the copyright case, information that was in none of the papers filed, would strongly suggest that the assignment of the case to Judge Garbis was not random. Later, information not provided by Judge Garbis at assignment, or immediately when it should have been at the TRO hearing, showed that Judge Garbis and Messerman had a long-term, very close relationship. Clearly, the issues Messerman was facing in 2001 were not just some little annoyance, but one where his entire reputational life was on the line because of the false and wrong misrepresentations he had previously made to plaintiff. And clearly, Judge Garbis went far outside of the copyright issues

in his order to assure that plaintiff's unpublished manuscript would be used against him in the pending criminal and custody cases, which was eerily like the tact Messerman had used with Karceski. Finally, Ohio and Maryland have some 18 million people combined, and yet two people, associated by an 8-member 1961 graduate law school program, come together at the exact moment in time that Messerman sought the exact help he needed to save his reputation. Not only is this coincidence implausible, given all the facts listed above, it would be implausible to suggest anything but that the copyright case was defiled.

116. Judge Garbis clearly spread negative opinions about plaintiff to others, opinions he had allegedly learned unethically from Messerman and/or others on his behalf in their secret conversations before the copyright case was filed, so as to make sure no judge in the Baltimore U.S. Courthouse would give him any benefit of the doubt.

117. While it is not known why, Judge Motz and Judge Niemeyer joined Judge Garbis, and together they eviscerated plaintiff's rights under 28 U.S.C. 144 & 455. Further, the individual and collected acts by these defendants go far from simple ethics violations and become, by their length and stubbornness, violations of plaintiff's constitutional rights to due process and his own property, and in the process, became an actual, albeit unstated, Bill of Attainder put upon plaintiff's head by the defendants.

118. Plaintiff has been forced to live with the stress and strain of litigation going on now 16 years because of the defendants' illegal and unconstitutional acts. During these 16 years, plaintiff

has lost two homes, all his money, all his personal property, two prized & beloved pets, his wife, his step-children, most if not all his friends & neighbors, his physical health, has been subjected to gross scorn and ridicule, and the prime years of his middle-age have been consumed by interests that should have been resolved long ago except for malice and hatred toward him by the defendants.

119. These intentional, knowing, bad-faith, unfair, and wrong acts by the defendants have caused plaintiff great worry, anxiety, fear, sleeplessness, large financial losses, etc., amongst many other things, as it was clear to plaintiff that the federal officials who had wronged him would stop at nothing to defeat his constitutional rights. In addition, plaintiff has had his reputation absolutely destroyed by the defendants' imperturbable and unconstitutional long-term treatment of him.

120. Judge Garbis, by all that has been learned, should have immediately recused himself from the copyright case in 2001, and at all times afterward, because of his connection to Messerman, which he still has never fully disclosed. Why Judge Garbis involved Judges Motz & Niemeyer is unknown. But, clearly, plaintiff has been procedurally blocked at every turn since 2001, with not one substantive review of the facts that was not defiled. All the circumstances and inexplicable decisions recounted in this complaint, when taken together, suggest an aggregate of acts that were corruptly taken – that the underlying behavior itself was corrupt.

121. And as defendant DUSM Frederick said in Count I of this complaint, the "Bromwell" case was the "domino" that could knock over all the other "dominos," i.e., expose all the unethical

rulings against plaintiff. Therefore, the defendants, now greatly worried by plaintiff's 'White Guerrilla Family' advertisements and planned 'Baltimore Corruption Wire' demonstrations at the Baltimore U.S. Courthouse – just days away at the time – had great & plausible motive to seek plaintiff's wrongful & illegal arrest to prevent same at all costs.

122. Further, it doesn't matter that the defendants were unable to arrest plaintiff on July 30, 2013. What matters is that they tried. Just as they tried and succeeded in diluting plaintiff's demonstration planning and to curb the robustness of his speech/protest and execution. Clearly, their reasons were that they were trying to make plaintiff's planned demonstrations go away by any means possible. By any means.

123. Wherefore, for the aforementioned wrongful & unconstitutional conduct, plaintiff seeks, $20,000,000 from the defendants for compensatory damages, and $40,000,000 from the defendants for punitive damages.

REQUEST FOR EXPEDITION

Civil rights actions are given preference in the Fourth Circuit. Because of the great length of time these matters have continued and the great harm caused plaintiff, plaintiff prays that this court issue an expedited briefing schedule in this case as soon as possible.

DEMAND FOR A JURY TRIAL

Plaintiff demands that this case be tried before a Jury.

Respectfully submitted,

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