

UNITED STATES DISTRICT COURT

for the

District of Columbia

Division

Las Vegas Public Radio Inc.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Corporation for Public Broadcasting
FCC Communications Commission

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case: 1:17-cv-02113 (F-Deck)
Assigned To : Mehta, Amit P.
Assign. Date : 10/10/2017
Description: Pro Se Gen. Civil

Jury Trial: (check one) Yes No

COMPLAINT FOR A CIVIL CASE



I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Las Vegas Public Radio Inc.
Street Address 400 South Fourth Street Suite 500
City and County Las Vegas, Clark
State and Zip Code Nevada 89101
Telephone Number (702)-425-4088
E-mail Address info@lvpr.org

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Corporation for Public Broadcasting
401 9th Street, N.W
Washington, D.C.
District of Columbia 20004-2129
202-879-9600
www.cpb.org

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

FCC Communications Commission
445 12th Street, SW
Washington, D.C.
District of Columbia 20554
1-888-225-5322
www.fcc.gov

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

FIRST Amendment 18 USC Section 241
 FIFTH Amendment 42 USC 1983
 Fourteenth Amendment

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

- a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

- b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____ and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

- a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____ . Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

see attached statement of Claims

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

see attached Relief damages and other relief

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: OCTOBER 2, 2017

Signature of Plaintiff

Printed Name of Plaintiff

Gregory P. Laporta

GREGORY P. LAPORTA

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

1 LAS VEGAS PUBLIC RADIO INC.
2 KIOF-LP 97.9 FM
3 400 S.FOURTH ST. SUITE 500
4 LAS VEGAS, NEVADA 89101
5 (702) 425-4088
6 www.lvpr.org

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7 UNITED STATES DISTRICT COURT
8 for the
9 DISTRICT OF COLUMBIA

10
11 LAS VEGAS PUBLIC RADIO INC.
12 Plaintiff,

Case: 1:17-cv-02113 (F-Deck)
Assigned To : Mehta, Amit P.
Assign. Date : 10/10/2017
Description: Pro Se Gen. Civil

13 vs.

COMPLAINT FOR A CIVIL CASE

14 CORPORATION FOR PUBLIC BROADCASTING
15 FCC COMMUNICATIONS COMMISSION
16 Defendants.

17
18 COMES NOW, Plaintiff LAS VEGAS PUBLIC RADIO INC. BY PRO SE, and hereby
19 Complains, alleges and avers against the named Defendants, CORPORATION FOR
20 PUBLIC BROADCASTING, and FCC COMMUNICATIONS COMMISSION as follows:

21
22 **I. PARTIES AND JURISDICTION**

23 1. Plaintiff, LAS VEGAS PUBLIC RADIO INC., (hereinafter "LVPR"), is a
24 corporation in Clark County, Nevada.

25 2. At all times relevant herein, Defendant CORPORATION FOR PUBLIC
26 BROADCASTING, (hereinafter "CPB"), is a District of Columbia Corporation doing
27 business in the state of Nevada when the events herein occurred.

28 3. At all times relevant herein, Defendant FCC COMMUNICATIONS COMMISSION,

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3 (hereinafter "FCC"), is a District of Columbia Corporation doing business
4 the state of Nevada when the events herein occurred.

5 4. The true names of the capacities, whether individual, agency, corporate,
6 associate or otherwise, of Defendants, DOES 1 through 7 , inclusive, are
7 unknown to Plaintiff. Plaintiff will ask leave of the Court to amend this
8 Complaint to show the true names and capacities of these Defendants, as they
9 become known to Plaintiff. Plaintiff believes each Defendant named as DOE was
10 responsible for contributing to Plaintiffs damages, set forth herein.

11 5. Jurisdiction and Venue is proper in this court: FEDERAL QUESTION

12 **FACTS COMMON TO ALL ALLEGATIONS**

13 On 5/08/2017 LVPR applied for a Community Service Grant (henceforth
14 referred to as "CSG") from the CPB.

15 As part of the application for a CSG, LVPR made a simultaneous request
16 for a financial hardship waiver of the Non Federal Financial Support
17 (henceforth referred to as "NFFS") requirement. The CPB does not count In
18 Kind Contributions when determining NFFS which is exclusionary.

19 The Financial hardship waiver was due to LVPR's station project into
20 North Las Vegas, which comprises two thirds of its minority listener audienc
21 and is within LVPR'S FCC approved contour map which comprises minority
22 populations still struggling to recover from the catastrophic recession of
23 2008.

24 Also, on 5/08/2017 LVPR requested CPB to waive a non statutory eligibility
25 criteria regarding Audience Service Criteria (henceforth referred to as
26 "ASC"), since there was no response/communication from Nielsen Audio.

27 On 5/08/2017 LVPR applied as a Minority Audience Service Station (henceforth
28 referred to as "MASS"). A MASS is a radio station that provides significant

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3 service to a minority group or groups through diverse programming that serves
4 the needs and interests of minorities.

5 Stations are deemed MASS if they meet at least one of three criteria. LVPR
6 chose (#1) which states, "A measured minority audience composition (cume)
7 greater than 45 per cent averaged over the previous 3 consecutive measured
8 quarters. LVPR asked the CPB to wave the ASC, because it is discriminatory,
9 exclusionary and confiscatory.

10 On 8/22/2017 CPB willfully and intentionally denied LVPR's application for
11 CSG. The denial stated, "KIOF-LP does not meet the criteria to qualify as a
12 Level B station for the CPB CSG program at this time. Specifically, KIOF-LP
13 is not eligible for a CSG because it does not meet the required Non Federal
14 Financial Support (NFFS) minimum of \$300,000, the two Full-Time Employee
15 staffing requirement, nor the Audience Service Criteria".

16 **III. STATEMENT OF FIRST CLAIM**

17 1. CPB has impermissibly erected a barrier to its CSG program which is funded
18 by U.S. Taxpayers to sustain public non commercial radio stations, including
19 Limited Power FM MASS stations. CPB is extremely bias towards LVPR because
20 LVPR challenged CPB's policies of discriminatory, exclusionary and
21 confiscatory behavior. The 2010 U.S. Supreme Court's Citizen United decision
22 has interpreted, that corporations are also, "people". LVPR in 2017 has been
23 deprived of its statutory and constitutional rights, to access public grant
24 funding by CPB, a private corporation funded by the American people.

25 The denial of CSG and loss of benefits curtail LVPR's ability to exercise
26 Freedom of Speech to report and disseminate truthful facts regarding local,
27 state and federal corruption within our government. CPB has established a
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3 pattern of deceit and institutional bias, since silence is their modus
4 operande. With no answers forthcoming, "indecision is a decision".

5 CPB denial does not reflect what CPB requirements state. "Accordingly, there
6 are four CSG levels: A,B,C, and D. as stated in 2016 Radio CSG "General
7 Provisions and Eligibility Criteria", which was used to determine LVPR
8 application. The requirements state that, "Stations that must have a minimum
9 NFFS of \$100,000 for a MASS station and include MASS with a minority cume
10 composition of at least 75%". LVPR would meet the \$100,000 requirment if CPB
11 would have included In Kind Contributions for services rendered, which are
12 factual on a corporations profit and loss.

13 CPB "Full-Time Employee staffing requirement for MASS is one FULL TIME (FT)
14 or MASS grantees may meet the Staffing Requirement with FTEs. (Full Time
15 Equivalent)". LVPR listed 2 FT Employees who meet all Internal Revenue
16 Service (IRS) standards. LVPR FT employees elected by persoal choice, "EXEMPT"
17 No salary recognized by owner. According to IRS Department of the Treasury,
18 Jeffrey I. Cooper, Director, Exempt Organizations Rulings and Agreements, if
19 an owner elects by choice to not take a salary or is W4 EXEMPT, this does not
20 mean, the owner is not an employee. CPB unilaterally over rules the IRS and
21 even tries to supercede IRS mandates.

22 The ASC is only a guesstimate by Nielsen (Arbitron) Ratings. Therefore, LVPR
23 applied for a waiver. But, CPB in its sole discretion and in exceptional
24 circumatances could have waived this contested policy, because LVPR's public
25 services are primarily for underserved or unserved audiences which fits the
26 description for eligibility. CPB requires a look back period of 2 to 3 years
27 for ratings purposes, which does not exist for new applicants like LVPR.

FIRST CAUSE OF ACTION

(violations of of FIRST AMENDMENT U.S. Constitution -
Direct Institution Discrimination

Plaintiff repeats and re-alleges each and every allegatgion in this Complaint, and further alleges, as follows:

Pursuant to The First Amendment CPB had a duty to make appropriate correction in LVPR's application for CSG benefits.

CPB uses arbitrary language based on individual discretion, not supported by fair or substantial reason and uses indirect, cultural discrimination and different treatment for similarly situated parties, when no legitimate reason appears to exist. The more repugnant the discrimination, the more likely it is to be found unlawful under the U.S. Constitution.

The Radio Research Consortium (RRC) Nielsen Ratings are all theoretical, and do not answer the who, what, when, where or how and never the why in their Time Spent Listening (TSL) and suggest TSL is only an estimate of the number of quarter-hours the average person spends listening during a specified time period.

There is no creditable proven scientific evidence or data to support Nielsen claims, which invalidates CPB requirements know as ASC. Nielsen's survey data and like all surveys, the listening figures are subject to sampling error.

U.S. Census minority numbers differ from per capita minority figures and per capita income figures published by other federal agencies, such as the Bureau of Economic Analysis. Each data set has its own strengths and weaknesses and plus or minus 3% margin of error. Also, Nielsen excludes passengers in vehicles with high definition radio and people who enjoy listening on their headsets in Las Vegas's beautiful parks while exercising. There are over

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3 325,000 passenger cars using the Interstate (I-15) daily on repeat trips from
4 the Creech and Nellis AirForce base areas, that go right past LVPR's 100 ft.
5 antenna, located at the I-15 and Cheyenne off ramp.

6 Policy makers at CPB have not done their part to welcome and encourage
7 economic ingenuity. They would rather stifle creative enterprises under a
8 blizzard of protective edicts designed primarily to shield established
9 interests from competition.

10 In the CPB CSG system there are 408 grantees, representing 1,136 multiple
11 radio statios, none of which are Limited Power (LP) stations like LVPR. LVPR
12 is 90% staffed with minority military veteran volunteers from the Creech and
13 Nellis Air Force base areas in Las Vegas, which meets CPB's DIVERSITY
14 requirements. LVPR has 25% Hispanic, 25% African American, 25% Chinese and
15 25% Women minority population within its mandated contour map area and has
16 the same proportioned on its staff.

17 CPB executives are selective and will only let existing repeat grantees
18 educate themselves and prohibits new applicants from participating in CPB in
19 house computer system "without CPB executive permission". The structural
20 discrimination arises from the institutional policies, that directly favor
21 only grantees within CPB. CPB tends to change its rules in the middle of the
22 ball game and has raised the bar to offset any challenges to its policies.
23 CPB allows existing grantees, waivers and "other projects" to meet failing
24 requirements, but excludes waivers or side projects by new Limited Power (LP)
25 applicants, including LVPR. Some existing grantees who have sustainable cash
26 assets, have been in CPB's system since their inception for over 25 years
27 and are annually awarded "rubber stamped" CSG's.

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3 That as a result of CPB's violations under the statute LVPR has suffered
4 severe financial loss and emotion damages. The continuing corporate
5 compression, mental and financial stress caused by CPB's consecutive denials
6 to LVPR on 8/17/2016 AND 8/22/2017 squeezes out "Limited Power" competition
7 for funding, allows for no elasticity and upward mobility to expand LVPR's
8 newsroom, which offers a Department of Justice (DOJ) approved method and
9 "difference of opinion" to enforce freedom of speech, a right guaranteed
10 under the First Amendment of the U.S Constitution.

11 LVPR is asking the court to award the following Direct Damages Caused by CPB
12 denial of CSG funding:

13 Based upon Section 11. CSG: Requirements A. Unrestricted CSG

14 1. Programming, Production and Services Lost Revenue

15 a. Programming and Production - Direct \$15,063.00

16 b. Educational Programs Lost Revenue \$10,800.00

17 c. Educational Outreach Activities Lost Revenue \$3,800.00

18 2. Broadcasting, Transmission, and Distribution \$15,538.00

19 5. Underwriting and Grant Solicitation \$4,199.75

20 6. Management and General Lost Revenue \$4,924.00

21 Sub Total of UR Damages on Projected CSG Pool Grant \$54,234.75

22 Based upon Section 11. CSG: Requirements B. Restricted CSG

23 2. Program and Content Acquisition Expenditures. The Direct Loss of revenue
24 funds which LVPR could have realized in purchasing National Public Radio
25 Educational Programming, (25% of \$72,313 on projected CSG Pool Grant
26 in 2017).

27 Total of Restricted damages on projected CSG

28 Pool Grant \$18,078.25

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3 Total Damages Based on projected CSG Pool Grant 2017 \$72,313.00

4 MASS applied to CSG Base Grant + NFFS

5 (additional 2017 lost revenue that would have been

6 realized from sharing

7 in larger pool) = 1.5% of \$72,313.00 \$108,469.00

8 Total Requested Damages Based on projected

9 CSG Grant 2017 \$180,782.00

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11 **STATEMENT OF SECOND CLAIM**

12 2. Since, time has been of essence, the CPB and its Office of Inspector
13 General (OIG) counsel, refused to communicate in 2016 and 2017 with LVPR when
14 challenged on CPB's discriminatory, exclusionary and confiscatory policies,
15 following a complaint filing with the Chairman of the FCC and the Inspector
16 General for CPB for decisions in a timely manner, regarding requirements and
17 increased power requests for Low Power (LP) rule making matters pending before
18 the FCC, an impartial and quasi-judicial body, which would have allowed
19 credence to LVPR application for CSG "waivers", in the area of ASC
20 requirements (listeners having difficulty due to interference and Limited
21 Power). LVPR alleges, CPB's obvious bias among CPB administrators and its
22 radio division regulators when it comes to Limited Power applicants violates
23 LVPR's right to due process under the "Equal Protection Clause"- the basis of
24 rejecting irrational or unnecessary discrimination against people belonging to
25 various groups. g. g. Limited Power or LPFM's. In 2016 and 2017 there were no
26 Limited Power FM stations currently in the CPB CSG system receiving CSG funds.
27 Programming, using the "25% Rule" can be used by existing applicants for
28 renumeration and is paid to National Public Radio (NPR) using CPB taxpayer

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3 money. CPB grant funding pays the freight for existing stations' tower
4 contracts, utility bills, engineering costs, information technology (IT)
5 costs, studio rentals, insurance, etc. These exceptional grantees's
6 operational costs with in CPB purview are absorbed by taxpayers. CPB excluded
7 LVPR as a new applicant from the same.
8 CPB makes no allowances for an appeal of their application process, other
9 than entering a U.S. Distric Court. CPB policies and requirements are
10 discriminatory, exclusionary and confiscatory regarding NFFS, ASC and FT. CPB
11 unilaterally exercises its discriminate powers, not withstanding IRS
12 regulations. There is no allotment to "amend" an application when CPB
13 unilaterally sets the Level for a station's funding. LVPR has no lateral
14 ability to obtain an "equal" allotment in the current market.
15

16 **SECOND CAUSE OF ACTION**

17 **(Violations of Fourteenth Amendment of U.S. Constitution - "Equal
18 Protection Clause" - Also caused by Direct Institution Discrimination)**

19 Plaintiff repeats and re-alleges each and every allegation in this Complaint,
20 and further alleges, as follows:

21 Pursuant to Fourteenth Amendment "Equal Protection Clause" CPB had a duty to
22 make available an amendment process for new applicants like it does for
23 existing grantees in its CSG program., e.g. "other projects to help meet
24 failing requirements".

25 In contravention to the spirit of the statute CPB refused to fully process
26 LVPR's written application and instead referred LVPR to the court system.

27 LVPR has no funds to retain the services of an attorney to prosecute this
28 action, and a reasonable sum should be allowed as and for attorney's fees and

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3 costs incurred. LVPR requests the court to appoint an attorney from its Pro
4 Bono Pool (The Civil Pro Bono Panel-Local Civil Rule 83.11 (b)(3)).
5 Status rules are partly about collusion, about attracting educated people to
6 your circle, tightening the bonds between you and erecting shields against
7 everybody else. CPB has created barriers towards Limited Power and LVPR's up
8 ward mobility, that are more devastating for being invisible, e.g. Nielsen
9 Arbitron ratings, which are only guesstimates. The rest of America can't name
10 them, can't understand them. They just know they're there. The over
11 burdensome regulations, direct and indirect discrimination is subtle and the
12 well connected can limit competition by increasing the barriers to enter the
13 public radio industry. A National Association Of Broadcator petition by their
14 lobbyist law firm- Pillsbury Winthrop Shaw Pittman LLP dated Ausust 31, 2015
15 was sent to the FCC on Rule Making to zone out Limited Power FM stations. CPB
16 and their Public affiliates condoned NBA's behavior and signed the petition,
17 which was over ruled by the FCC.

18 LVPR meets all CPB and FCC operating requirements. LVPR has been licensed by
19 the FCC to operate at 100 watts since January 2016. CPB requirements state,
20 "Grantees must comply with the operational requirements. Operating Power:
21 Grantees must operate a broadcast station that has an ERP of 100 watts or
22 greater in the case of an FM station. CPB determines, in its "sole"
23 discretion, that issuance of a CSG would further CPB's statutory goals of
24 universal service and provide service to unserved or under served audiences".
25 Although, CPB's Office of Inspector General (OIG) acts like a "shadow
26 organization" and a 'criminal syndicate'. It's not about fixing LVPR's
27 application. It's not about helping new members under the Local Community
28 Radio Act of 2010. It's about maintaining power, and control over the money

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3 which is being used to annually rubber stamp existing grantees in CPB's
4 system, who already have the liquid cash assets to "sustain" themselves and
5 shouldn't even be in the system. LVPR requests \$100,000.00 for compensatory
6 damages.

7
8 **STATEMENT OF THIRD CLAIM**

9 3. CPB is required to be self-interested to guarantee annual rubber stamped
10 funding from Congress. CPB in return, then annually "rubber stamps" existing
11 applicants in their "good old boys network" protection system of alleged
12 corruption. Thus, CPB is indirectly controlled by Congress, however remotely,
13 it also can be considered a government entity. CPB allows existing grantees
14 in their system, some who have been in their system for over 25 years waiver
15 projects to help meet CPB's requirements, but CPB will not give one waiver or
16 side project to LVPR. Since, The Local Community Radio Act of 2010 has been
17 in place the NFFS threshold requirement has been set and reset several times,
18 only to exclude LPFM's from entering the CSG benefit.

19 CPB knows that there are approximately one thousand two hundred and fifty
20 (1,250) 501 C3 Charitable Organizations including LVPR competing for funding.
21 Fifty percent raise less than one hundred thousand dollars annually. Small
22 towns outside of Las Vegas and outside Nevada across the United States have
23 the same problem. CPB has purposely set the bar too high.
24 Following a 1984 Supreme Court ruling -Chevron U.S.A. V Natural Resources
25 Defense Council- that judges should give "deference" to executive agencies'
26 interpretations unless their rules are clearly unreasonable. LVPR asks the
27 court to not give "deference to CPB executive requirements, who's rules are
28 clearly unreasonable and are discriminatory, exclusionary and confiscatory.

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3 Passive courts, accommodating the administrative state's activities, are
4 permissive about agencies' regulatory behavior that blurs the line between
5 legislation and regulation. LVPR's KIOF-LP 97.9 FM solicits the U.S. District
6 Court for answers to discriminatory, exclusionary and confiscatory policies
7 and unanswered questions by CPB, including this one implicating the Fifth
8 Amendment's due-process guarantee: May an economically self-interested entity
9 exercise regulatory authority over competitors? The economic crimes endured
10 by staff and U.S. military volunteers at LVPR due to epic failures of the
11 past 3 administrations ends with this filing.

12
13 **THIRD CAUSE OF ACTION**

14 (Violations of Fifth Amendment U.S. Constitution "Due Process Clause")
15 Plaintiff repeats and re-alleges each and every allegation contained in the
16 preceding paragraphs as though set forth herein, and further alleges, as
17 follows.

18 Pursuant to Fifth Amendment rights under the "Due Process Clause", which is
19 implied equal protection requirement (Bolling v Sharpe), LVPR has been
20 deprived of life, liberty and financial property, without due process of law,
21 including procedural due process and substantive due process by CPB. CPB
22 failed to ensure LVPR fundamental fairness by not guaranteeing an appeal
23 process, knowing LVPR has a right to be heard by the court in an end process,
24 which is costly and deferred prosecution. CPB violated LVPR substantive
25 process, which is "implicit" in the concept of ordered liberty.

26 CPB's CSG zones out new applicants and sets the bar so high, which limits any
27 upward mobility for expansion and imposes criteria on the applications, that
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3 go far beyond what Congress has authorized. LVPR asks the court for CPB's
4 inexplicable behavior - damages of \$100,000.00.

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6 **STATEMENT OF FOURTH COMPLAINT**

7 4.CPB since 2002 has used programs to blacklist thousands of applications for
8 benefits that would also sustain Limited Power FM (LPFM) stations as national
9 security concerns. Researching national security concerns, nothing could be
10 further from the truth. LVPR is registered with Homeland Security and FCC's
11 EAS (Emergency Alert System) Test Reporting System (ETRS) and participates
12 in National EAS TESTS. LVPR's participation allows it to move from a
13 secondary to primary station status and helps warrant consideration when
14 applying for upgrades in power. But, CPB blocks any attempts at upward
15 mobility. e.g. CPB and its affiliates will not allow interference testing
16 knowing, that signals of mixed opportunity exist. Thus, CPB will not allow
17 requested waivers for recession hardest hit areas when computing ASC. Without
18 a good sound signal LVPR cannot sell underwriting contracts to enforce CPB's
19 ASC requirement.

20 **FOURTH CAUSE OF ACTION**

21 (Violations of 18 U.S.C. Sec.241 -Conspiracy Against Rights)

22 Plaintiff repeats and re-alleges each and every allegation contained in the
23 preceding paragraphs as though set forth herein, and further alleges, as
24 follows:

25 LVPR's complaint recognizes that one of two possibilities exists: The CPB and
26 FCC boards are full of weak-kneed yes-men who won't rock the taxpayer funded
27 gravy train that everyone on the inside benefits from. Or board members act
28 in concert, individually, privately and outside of LVPR's public application

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3 process, both CPB and FCC discussed killing LVPR's applications before the
4 carefully orchestrated show and denial of CSG benefits by CPB and power
5 increases by FCC., because moving forward it will open doors for other LPFM
6 applicants to enter the CSG program. Currently, there are zero LPFM stations
7 being serviced by CPB and LVPR's offset opens the door for LPFM stations to
8 enter the silent, "good old boys network" and "shave" cash off their awards.
9 LVPR seeks damages from CPB of \$100,000.00 in Conspiracy Against LVPR's
10 Rights to life, liberty and the pursuit of happiness under the U.S.
11 Constitution.

12 **STATEMENT OF FIFTH COMPLAINT**

13 5.LVPR alleges that CPB's Office of Inspector General (OIG) silence in
14 representing the CPB and FCC executives "agreed either explicitly or tacitly
15 to act in concert to unlawfully influence LVPR's request for CSG benefits.
16 This is an action for wanton, reckless and intentional actions and omissions
17 giving rise to fraud and other unlawful and unconstitutional activities
18 perpetrated by governmental agencies and employees trusted by the people of
19 the U.S. of America. No appeal process within CPB is indicative that a
20 declaratory decree was violated or declaratory relief was unavailable. For
21 purpose of depriving LVPR's of its Rights, CPB violated a statute of
22 the District of Columbia.

23 **FIFTH CAUSE OF ACTION**

24 (Violations of 42 U.S.C. Sec. 1983 of Civil Action For Deprivation of Rights)
25 Plaintiff repeats and re-alleges each and every allegation contained in the
26 preceding paragraphs as though set forth herein, and further alleges, as
27 follows:

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3 Pursuant to 42 USC Section 1983 Civil Action For Deprivation of Rights, CPB
4 knowingly violated LVPR's rights by an act of commission giving rise to
5 fraud. A declaratory decree was violated or declaratory relief was unavailable.
6 For the purpose of this section, "any act of Congress applicable exclusively
7 to the District of Columbia shall be considered to be a statute of the
8 District of Columbia".

9 LVPR seeks damages of \$100,000.00 from CPB for deprivation of rights.
10

11 STATEMENT OF SIXTH COMPLAINT

12 6. THE FCC mandate REGARDING "LP" LABELING FOR LVPR KIOF-LP 97.9 FM is
13 discriminatory, exclusionary and confiscatory. The FCC "LP" mandate applies
14 only to LPFM stations. The FCC mandates an "LP" label must be attached to
15 LVPR call letters- KIOF-LP 97.9 FM. The oppressive required labeling has
16 become a "turn off" to prospective underwriters, because the labeling sends
17 a signal to any buyer, that KIOF-LP is a limited power station and why
18 should we underwrite a public radio station with limited power, whereas
19 listening might be a problem. This makes it difficult if not impossible for
20 KIOF-LP to raise funds from local businesses to help meet the NFFS
21 requirement by CPB. Satellite radio becomes more attractive to a buyer.
22 Therefore, CPB & FCC know this and that KIOF-LP will never be able to compete
23 and meet CPB required Level B for MASS, because KIOF-LP is set apart from all
24 other applicants and set up for failure. CPB and FCC have raised the bar to
25 keep Local Community LPFM's from competing for funding and wants them off the
26 market. Hundreds of LPFM's have recently returned their licenses back to the
27 FCC.

28 SIXTH CAUSE OF ACTION

(Violations of 18 U.S.C. Sec. 241-Conspiracy Against Rights (CR))

Plaintiff repeats and re-alleges each and every allegation in this Complaint, and further alleges, as follows:

Pursuant to 18 USC Sec. 241 FCC had a duty to LVPR under this statute to perform a reasonable investigation and make appropriate corrections to prevent continuing discrimination in the radio market place.

The U.S. Airforce Research Lab/RIEA in Washington D.C. in 2014 under the direction of Dr. Erik Blasch, Thao Nguyen (Air Force Research Lab/RYNW), and Chun Yang Sigtem Technology, Inc. in their study titled "Mobile Positioning via Fusion of Mixed Signals of Opportunity (SOOP) have proven that an intangible 100, 250, 500, or 1,000 watt radio signal asset is seamless and unnoticeable when in comparison with a 10,000 or even 100,000 watt signal or even with a cell signal. LVPR forwarded this information to FCC Chairman Ajit Pai for analysis. No reply was forthcoming.

Henceforth, there will never be an "equal playing field" for LPFM to compete for underwriting revenue when the FCC mandates an "LP" label must be attached to their call letters. FCC likewise knows the "trickery" that the National Association of Broadcasters, who's lobbyist represent many large public radio stations (some have a network of owning as many as 7 public radio stations or more) and have earnestly tried to raise unclaimed spectrum interference issue by falsifying "fake" recordings to block Limited Power increases by the FCC.

LVPR requests \$100,000 in damages from FCC for conspiracy Against Rights violations.

STATEMENT OF SEVENTH COMPLAINT

7. Complaint against FCC for Depreciation of Rights. On August 22, 2016 FCC denied LVPR testing rights to verify if there were any interference issues.

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4 FCC has acted in concert with the CPB blocking any testing
5 requested by LVPR, to test for interference issues, which were negated by the
6 U.S. Air Force Lab, Washington, D.C. There is no language in the 2010 Local
7 Community Radio Act prohibiting testing for interference issues. The CPB and
8 FCC breach the Sherman Anti Trust Act by keeping a near monopoly in primary
9 and secondary markets, where there is no (upward mobility) way to expand
10 LVPR's station from a secondary to primary Class A station to gain financial
11 benefits relegated only to the "good old boys network". Limited Power
12 stations are always at risk of being bumped by a major broadcast
13 network and losing their investment, even though the U.S. Air Force Lab Study
14 concludes, that FM signals and cell signals are unnoticeable and seamless.
15 LVPR has a right to "pivot" since, 100 watts doesn't work and its listeners
16 do not hear a clear sound broadcast within the contour range assigned by the
17 FCC.

18 Seventh Cause of Action

19 (Violations of 42 U.S.C. Sec. 1983 Civil Action For Deprivation of Rights)
20 Plaintiff repeats and re-alleges each and every allegation in this Complaint,
21 and further alleges , as follows:

22 Pursuant to 42 U.S.C. Sec. 1983 FCC had a duty to allow LVPR the opportunity
23 to test for quality of listening as aforementioned, knowing that test results
24 would have allowed for a "waiver of ASC requirements" by CPB.

25 In contravention to the spirit of the statute, FCC refused to fully process
26 the qualified written request of LVPR to test and instead never provided an

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2 answer as to why LVPR could not test, which is discriminate, exclusionary and
3 confiscates LVPR's rights under 42 U.S.C. Sec. 1983.

4 LVPR requests damages of \$100,000.00 from FCC for its violation of LVPR's
5 rights.

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7 **IV. Relief**

8 1. Las Vegas Public Radio requests the court to appoint an attorney from its
9 Pro Bono pool (The Civil Pro Bono Panel-Local Civil Rule 83.11 (b)(3).)in
10 light of zero funds available to LVPR as disclosed herewith.(LVPR financials
11 exhibit all current funds are exhausted. They would not be exhausted if CPB
12 used reasonable judgement inclusive of the fact they are continuing to pay
13 other public radio stations' tower, studio rental, programming, engineering,
14 It, insurance and legal bills using tax payer funds to "sustain" them, better
15 known as Corporate Welfare. Most current CPB CSG grantees have had a free
16 taxpayer ride for over 25 years.) LVPR's Profit & Loss for 2017 is projecting
17 a minus deficit of \$90,000.00.

18 2.LVPR asks the court for a SUMMARY JUDGMENT

19 3.LVPR asks the court, if a SUMMARY JUDGMENT is not plausible, then perhaps
20 the court so orders an arbitration MEDIATION status at this time.

21 4.LVPR requests the U.S. District Court to (injunction) over ride CPB's
22 denial of LVPR 207 application for CSG and reinstate the necessary funding as
23 articulated in CPB radio sharing report (to participate in the larger pool of
24 radio broadcast, since Nevada's other public radio stations have previously
25 received millions of dollars throughout recent history with out competitive
26 diversity).

27 5.LVPR requests the U.S. District Court subpoena The Inspector General for
28 CPB.

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3 6.LVPR requests the court subpoena CPB "sustainable" history of all CPB CSG
4 awards, including "stimulus funds" granted to Nevada Public Radio, University
5 of Nevada Reno Public Radio, UNLV Public Radio, KCEP Public Radio all in Las
6 Vegas, Cincinnati Public Radio and Ohio Public Radio. All requirements
7 dating from 2005 through 2016 (for bias comparison purposes).

8 7.LVPR requests the court subpoena Nielsen (Arbitron) management contracts
9 entered into with CPB from 2008 through 2017. If private companies, that the
10 CPB being a quasi federal public taxpayer supported agency deals with are not
11 put out to bid or a request for proposal (RFP) is not made for competing
12 contracts, what assurances do we have that CPB (which receives public funding
13 and requires applicants to adhere to Nielsen Audience Service Requirements)
14 is acting within the parameters set by Congress? However, does CPB receive
15 public funding to guarantee Nielsen (Arbitron) a kick back by its pay for
16 play, which is abuse and fraud.

17 8.LVPR requests that the court subpoena Nielsen (Arbitron) Ratings to produce
18 Nevada and Las Vegas Radio Ratings for subscribing stations (AQH Share for
19 Persons 6+, Mon-Sun 6AM-Mid) from January 1 2016 through December 31, 2016
20 and January 1, 2017 through September 30, 2017.

21 9.Since, time is of the essence, due to the current H.R.727 bill in the U.S.
22 of Representatives, which was introduced in February 2017 to defund the CPB,
23 based upon self enrichment, malfeasance and corporate welfare abuse, LVPR asks
24 court to immediately order a freeze on CPB's CSG monies to be held in
25 abeyance and used to allocate funding in the amount of \$580,782.00 plus any
26 other awards, in that if the court favors a SUMMARY JUDGMENT or MEDIATION,
27 funds would still be available prior to CPB winding down its defunding as so
28 ordered by Congress.

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3 10. LVPR asks the court to order TREBLE punitive damages of \$1,742,346.00 for
4 extreme mental stress and emotional anguish experienced by loss of CPB CSG
5 funding caused by CPB executive "bias" and personal self enrichment at the
6 expense of U.S. taxpayeres and the breach of ethical duties, conduct and lack
7 of respect for the U.S. Constitution.

8 11. LVPR asks the court at its own discretion, to set an additional amount
9 order of \$56,000.00 from CPB's Radio Program Fund for exemplary damages to be
10 used for LVPR's rolling "STEM" SUMMER EDUCATION PROGRAM FOR MILITARY TEENS.

11 12. LVPR requests the court subpoena The FCC regarding radio oversight. FCC
12 allegedly acted in concert with CPB blocking any testing requested by LVPR to
13 test interference issues, negated by the U.S. Air Force Lab, Washington, D.C.

14 13. LVPR requests the court order the FCC to upgrade LVPR power from 100 to
15 at least a minimum 250 watts at current LVPR tower location to determine
16 signal is adequate in our local community, so station can be heard clearly in
17 our community like many other stations. If stations signal still cannot be
18 heard clearly and a new tower must be constructed, minimum power increase to
19 250 watts could be maintained, but a maximum of 1,000 watts may be needed
20 based on additional interference testing. Maximum to 1,000 watts under
21 authority of the court, which would solidify stronger local community
22 underwriting contracts and allow a breath of fresh air in the free market
23 place and competition with even local satellite's stations customers. The
24 Local Community Radio Act (LCRA) signed into law on January 4, 2011 as an
25 unfunded mandate does not mention, that no power increases are prohibited in
26 the language of the report. It is a fact, that the FCC was considering at the
27 time of inception of the original LPFM service in 1999, a minimum low power of
28 one thousand (1,000) watts, shich was quickly challenged

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3 by the National Association of Broadcastors' lobbyist to stop progress. The
4 FCC tossed out the challenge, because the NAB and their lobbyist attorneys
5 falsified interference recordings.

6 14. Should the court not be able to honor LVPR request for power increase
7 under the LCRA of 2010, LVPR respectfully asks the court to invoke the Joint
8 Operating Agreement (JOA), which is a U.S Department of Justice approved
9 method of maintaining competitive distinct voices in radio markets. Due to
10 inefficient use of public radio spectrum in our local community market, where
11 one public broadcast entity has more than one broadcast license, LVPR seeks
12 re-assignment of one of the broadcast licenses held by other public entity
13 citing Exhibit.....LVPR requests through this agreement, all operating fees
14 be paid by and for LVPR by other public entity for a term of 10 years.

15 15. LVPR is asking the court to remove the discriminatory FCC requirement that
16 LPFM stations have to announce their call letters with the -LP at the top of
17 each hour. If the mainstream media doesn't mave to do this, then why should
18 the LPFM stations have to do this?

19 16. LVPR is asking the court to give the option to LPFM stations, including
20 LVPR to either stay non-commercial if they want or switch to commercial
21 operations if underwriting is not covering their operational bills. The FCC
22 underwriting rules governing LVPR do not allow for competition and are
23 discriminatory by nature.

24 17. LVPR is asking the court to immediately change the status of LPFM stations
25 from secondary to primary status in their local communities around America, so
26 they don't get "bumped" by the mainstream media looking to shutdown the grass
27 root movements occurring all over America. This will allow LPFM's the

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3 opportunity to start generating money to pay for the massive investments some
4 of them have made as well as to begin covering their operational costs.

5 18. LVPR asks the court to enforce the SIXTH Cause of Action for damages in
6 the amount of \$100,000.00 against the Federal Communication Commission.

7 19. LVPR asks the court to enforce the SEVENTH Cause of Action for damages in
8 the amount of \$100,000.00 against the Federal Communication Commission.

9 20. LVPR requests the court issue a restraining order against the CPB and FCC
10 on interfering with the day to day operations of said station until court can
11 secure LVPR's place in the Las Vegas, Nevada market, so station can be heard
12 clearly and serviced properly as a public radio station (non-commercial
13 educational) by all residents for years to come.

14 21. The FCC, acting in concert with CPB have rigged the system so any new
15 public radio stations(non-commercial educational) rising to market have zero
16 growth opportunities. This leaves new public radio stations (non-commercial
17 educational) operating under the Local Community Radio Act of 2010 no
18 alternative, but to return their broadcast licenses back to FCC, dismantle
19 newly formed Community Advisory Boards, lose their massive investments and
20 cease operations completely. Thus, silencing free speech at the expense of
21 these new stations. Epic failures by FCC and CPB are so artfully crafted for
22 keeping the American system rigged , ensure any new public radio stations
23 (non-commercial educational) who may have alternative agendas (e.g.
24 conservative or traditional) are silenced. Based on LVPR's claims herein,
25 this concert fulfills and satisfies existing members within CPB's network as
26 well as the lobbying arm of the National Association of Broadcastors so their
27 existing agendas are maintained. In light of the above, LVPR asks the court
28 to grant "whistle blower" protection status for LVPR".

Las Vegas Public Radio Inc. Profit & Loss For Period Covering 01/01/2016 to 12/31/2016

Revenues

<u>Income</u>		\$0.00
<u>Check Donations</u>		\$29,720.00
<u>In-Kind Contributions</u>	\$0.00	
<u>Las Vegas Tribune</u>	\$2,700.00	
<u>Quicken Loans</u>	\$0.00	
<u>T-Mobile In-Kind Contribution</u>	\$100,000.00	
<u>Vegas Voice</u>	\$900.00	
<u>Veteran's Transition Center</u>	\$0.00	
<u>Interest Income</u>		\$0.00
<u>Other Income</u>		\$0.00
<u>Reimbursed Expenses</u>		\$0.00
<u>Underwriting</u>		\$50.00
<u>PayPal Donations</u>		\$775.30
Total Revenue		\$134,145.30

Expenses

<u>Expenses</u>		\$0.00
<u>Adjustment</u>		\$0.00
<u>Auto</u>	\$0.00	
<u>Fees</u>	\$0.00	
<u>Gas</u>	\$0.00	
<u>Parking</u>	\$0.00	
<u>Repair and Maintenance</u>	\$0.00	
<u>Bank Service Charge</u>		\$50.00
<u>Books</u>		\$0.00
<u>Broadcast Equipment Rental</u>		\$12,000.00
<u>Cash Discounts</u>		\$0.00
<u>Charity</u>		\$0.00
<u>Depreciation</u>		\$0.00
<u>Dining</u>		\$0.00
<u>Dues and Subscriptions</u>		\$0.00
<u>Education</u>		\$0.00
<u>Equipment Rental</u>		\$0.00

<u>Insurance</u>	\$0.00
<u>Disability Insurance</u>	\$0.00
<u>Liability Insurance</u>	\$0.00
<u>Workers Comp</u>	\$0.00
<u>Licenses and Permits</u>	\$80.00
<u>Main Studio Rental</u>	\$8,762.30
<u>Management Fees</u>	\$30,525.00
<u>Miscellaneous</u>	\$0.00
<u>Office Supplies</u>	\$0.00
<u>Payroll Expenses</u>	\$0.00
<u>Postage and Delivery</u>	\$0.00
<u>Printing and Reproduction</u>	\$0.00
<u>Professional Fees</u>	\$0.00
<u>Accounting</u>	\$0.00
<u>Legal Fees</u>	\$0.00
<u>Programming Services</u>	\$154,900.00
<u>Rent</u>	\$0.00
<u>Repairs</u>	\$0.00
<u>Building Repairs</u>	\$0.00
<u>Computer Repairs</u>	\$0.00
<u>Equipment Repairs</u>	\$0.00
<u>Janitorial Expenses</u>	\$0.00
<u>Taxes</u>	\$15.00
<u>Emp-FICA</u>	\$0.00
<u>Federal</u>	\$0.00
<u>FICA</u>	\$0.00
<u>FUTA</u>	\$0.00
<u>Local</u>	\$0.00
<u>Other Tax</u>	\$0.00
<u>Property</u>	\$0.00
<u>State/Province</u>	\$0.00
<u>Tower Rental</u>	\$18,000.00
<u>Travel and Entertainment</u>	\$0.00
<u>Entertainment</u>	\$0.00
<u>Meals</u>	\$0.00
<u>Travel</u>	\$0.00
<u>Utilities</u>	\$0.00
<u>Cable</u>	\$0.00
<u>Cell Phone</u>	\$0.00
<u>Electric</u>	\$0.00

Garbage collection \$0.00

Gas \$0.00

Internet \$0.00

Phone \$0.00

Water \$0.00

Total Expenses

\$224,332.30

Net loss for Period

\$90,187.00

CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

I. (a) PLAINTIFFS
 LAS VEGAS PUBLIC RADIO INC.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF 88888
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

DEFENDANTS
 CORPORATION FOR PUBLIC BROADCASTING
 FCC COMMUNICATIONS COMMISSION

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT 11001

Case: 1:17-cv-02113 (F-Deck)
 Assigned To : Mehta, Amit P.
 Assign. Date : 10/10/2017
 Description: Pro Se Gen. Civil

II. BASIS OF JURISDICTION
 (PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) **FOR DIVERSITY CASES ONLY!**

	PTF	DFT	PTF	DFT
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4 <input type="radio"/> 4
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5 <input type="radio"/> 5
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6 <input type="radio"/> 6

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input checked="" type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input checked="" type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input checked="" type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input checked="" type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
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E. General Civil (Other) OR **F. Pro Se General Civil**

<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <input checked="" type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)
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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 FIRST AMENDMENT, FIFTH AMENDMENT, FOURTEENTH AMENDMENT, 18 USC SEC. 241, 42 USC 1983

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ 780,782.00 JURY DEMAND:	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: <u>October 2, 2017</u>	SIGNATURE OF ATTORNEY OF RECORD <u>PRO SE</u>
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.