

1 that it alleges that Agent Warren was acting in his individual capacity in causing a Fourth or
2 Fifth Amendment violation.” There, Court found that because the Plaintiff’s Massaquoi’s
3 Complaint did not make this allegation, dismissal was proper, but leave to amend should be
4 granted. Thus, in his Amended Complaint, Plaintiff Massaquoi complied with the Court’s
5 directive and included specific allegations that Defendants Warren and Wray were acting in their
6 individual capacities to violate Plaintiff Massaquoi’s constitutional rights:

7 Defendant...Wray is an individual and is being sued individually and in his
8 individual capacity as of Director of the FBI. **Wray is being sued in his
individual capacity.** Am. Comp. ¶ 9. (emphasis added)

9 Defendant...Warren is an individual and is being sued individually and in his
10 individual capacity as a Special Agent for the FBI who operates out of the Los
11 Angeles Field Office of the FBI. **Warren is being sued in his individual
capacity.** Am. Comp. ¶ 10. (emphasis added).

12 The Defendants, acting in concert, are being sued in their individual capacities.
13 Am. Comp. ¶ 113.

14 Thus, the Amended Complaint now contains the specific allegations that the Defendants were
15 acting in their individual capacities when violating Plaintiff Massaquoi’s constitutional rights.
16 Thus, the Amended Complaint was not “nearly identical,” but instead it was amended to comply
17 with the Court’s December 1, 202 order.

18 Furthermore, the Amended Complaint set forth and thus cited as precedent *Trulock v.*
19 *Freeh*, 275 F.3d 391 (4th Cir. 2001), a landmark case before the U.S. Court of Appeals for the
20 Fourth Circuit. Plaintiffs, an ex-intelligence official in the Department of Energy and his
21 assistant, sought review of an order of the U.S. District Court for the Eastern District of Virginia,
22 which dismissed their action against defendants, FBI Director Louis Freeh, his agents, and his
23 supervisors, alleging an unconstitutional seizure and search of their home and computer in
24 retaliation for the official’s published criticism of the FBI. *Id.* at 397-98. The U.S. Court of
25 Appeals for the Fourth Circuit held that plaintiffs First Amendment claim could proceed and that
26 the officials, including FBI Director Freeh, were not entitled to qualified immunity because “a
27 public official may not misuse his power to retaliate against an individual for the exercise of a
28 valid constitutional right. *Id.* at 405. Additionally, the court ordered the case to proceed to

1 discovery. *Id.*

2 The *Trulock* case mirrors this instant case almost identically, as the allegations contained
3 herein involve government officials misusing their powers to retaliate against an individual who
4 had exercised his constitutional rights. Here, Plaintiff Massaquoi's First, Fourth and Fifth
5 Amendment rights were grossly violated simply because he had exercised his constitutional First
6 Amendment rights to peacefully assemble and protest. Thus, this case must survive dismissal and
7 proceed to discovery. This addition in Plaintiff Massaquoi's Amended Complaint further shows
8 why he has pled valid causes of action against the Defendants, and why this case should have
9 proceeded to discovery.

10 It is apparent that this Court, based on misleading statements by the government,
11 inadvertently thought that the Amended Complaint was identical to the first Complaint and
12 erroneously dismissed the Amended Complaint, when it was crafted to the strictures of this
13 Court's prior order.

14 BASED ON THE FOREGOING, Plaintiff Massaquoi respectfully requests that his
15 motion be granted, and the Court's order of March 15 be vacated and this matter proceed
16 expeditiously to discovery.

17 Dated: March 30, 2022

Respectfully submitted,

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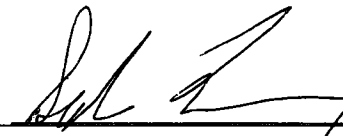
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Of Counsel/ Pro Hac Vice To be Filed

CERTIFICATE OF SERVICE

I, Siaka Massaquoi, a resident of North Hollywood, CA, and of at least 18 years of age, certify that I have sent the foregoing on March 30, 2022, using the USPS's certified mailing process to serve the attached pleading to the Court and to the Defendants. I also certify that the foregoing has been filed with the United States District Court for the Central District of California Western Division on this day.

Siaka Massaquoi
7029 Bellaire Avenue
North Hollywood, CA 91605

By  _____
Siaka Massaquoi