

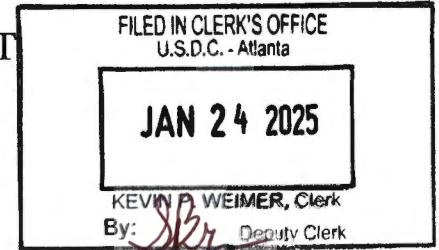
Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Atlanta Division



DEREK MCKINNEY

Case No.

1:25-CV-0303

Plaintiff(s)

-v-

DONALD TRUMP, President of the United States;
 CHAD MIZELLE, Chief of Staff;
 JAMES R. MCHENRY III, Acting Attorney General;
 KATHLEEN WOLFE, Civil Rights Division Supervisor

Defendant(s)

COMPLAINT AND REQUEST FOR INJUNCTION

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	Derek Mckinney
Street Address	125 N Arcadia Ave Apt 648
City and County	Decatur, Dekalb County
State and Zip Code	Georgia
Telephone Number	678-927-7110
E-mail Address	

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 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name Donald Trump
Job or Title *(if known)* President of the United States
Street Address _____
City and County _____
State and Zip Code District of Columbia
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 2

Name Chad Mizelle
Job or Title *(if known)* Chief of Staff
Street Address _____
City and County _____
State and Zip Code District of Columbia
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 3

Name James R McHenry III
Job or Title *(if known)* Acting Attorney General
Street Address _____
City and County _____
State and Zip Code District of Columbia
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 4

Name Kathleen Wolfe
Job or Title *(if known)* Civil Rights Division Supervisor
Street Address _____
City and County _____
State and Zip Code District of Columbia
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.

The 14th Amendment to the United States Constitution; Section 1
 The 14th Amendment to the United States Constitution; Section 5

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 injunction 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.

A. Where did the events giving rise to your claim(s) occur?

On January 22, 2025 Donald Trump signed an Executive order that has halted a disabled minor child of the Plaintiff from important federal civil rights protections. On or around January 22, 2025 or January 23, 2025 Chad Mizelle and or James R McHenry III and or Kathleen Wolfe sent a memorandum instructing Justice Department leadership has put a freeze on civil rights litigation. Attorneys in the department's Civil Rights Division were ordered not to file any new complaints, amicus briefs or other certain court papers "until further notice," one of the memos said. Another memo directed attorneys to notify leadership of any settlements or consent decrees — court-enforceable agreements to reform police agencies — that were finalized by the Biden administration within the last 90 days.

B. What date and approximate time did the events giving rise to your claim(s) occur?

On January 23, 2025 a pending Civil Rights Complaint #04-25-1165 with the U.S. Department of Education, Office of Civil Rights.

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

A disabled minor child of the Plaintiff had their 504 disability accommodations denied by The City Schools of Decatur and Decatur High School several times.

Civil Rights Complaint #04-25-1165, initiated November 26, 2024 and being scheduled for mediation as of December 18, 2024. As of January 7, 2025. With no response from the City Schools of Decatur the plaintiff (working with Demetria Mills-Obadic, U.S. Department of Education, Office for Civil Rights) inquired about starting the investigation and pursuing sanctions against The City Schools of Decatur and Decatur High School for non compliance of Section 504 of the Rehabilitation Act of 1973.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

As a parent, watching my child deteriorate during the denial of his 504 accommodations from August 2023 up until October of 2024 was devastating and left me no option but to file a Civil Rights complaint.

Presently, the defendants actions on January 22, 2025 and the aforementioned memorandums deny recourse through federal law are considerably greater an injustice on top of the initial reason for complaint #04-25-1165.

Monetary damages can not repair the halt of an ongoing investigation. Monetary damages can not make up the effects this has on a developing child brain, social adjustment and lifelong well being. Monetary damages cannot make up the loss of education and loss quality of life.

V. 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.

I pray this court grants an immediate halt to the aforementioned executive order and allows me to continue to pursue Civil Rights Complaint #04-25-1165.


VI. 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: 1-24-2025

Signature of Plaintiff 
Printed Name of Plaintiff Derek McKinney

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 _____