

7/16 ASH



FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 16 2021 ★
BROOKLYN OFFICE

RECEIVED
JUL 16 2021
PRO SE OFFICE

Affidavit

**United States District Court
for the
Eastern District of New York**

P. Volquez-El)	Case #: 1:21-cv-01795-DG-LB
)	
Plaintiff,)	<u>Honorable Judge Gujarati</u>
)	
v.)	
)	AMENDED COMPLAINT
CITY OF NEW-YORK; POLICE)	
OFFICER MOSES LEBRON, Tax)	WITH JURY TRAIL
Reg. ID No.:956831; and POLICE)	DEMANDED
SERGEANT JAVIER LOPEZ, Tax)	
Reg. ID No.:951937)	
)	
Defendants.)	
)	
)	
)	

**AFFIDAVIT OF AMENDED COMPLAINT SEEKING PERMANENT
INJUNCTIVE RELIEF AND COMPENSATORY AND PUNITIVE
DAMAGES**

COMES NOW plaintiff, P.: Volquez-El, aggrieved party, for this Amended Complaint for Permanent Injunctive relief, Compensatory and Punitive Damages, and Jury Demand against Defendants, upon information and belief, hereby allege as follows:

I. PRELIMINARY STATEMENT

1. This is a private action brought forth by aggrieved party and plaintiff, P.: Volquez-El (hereinafter referred to as "I," "Me," "My," "Myself," "Plaintiff," "Affiant," or "pasvir") to obtain equitable remedy of permanent injunctive relief to redress irreparable-injuries; and to vindicate the unalienable Rights and Constitutional Right Guarantees afforded to Me under the American Bill of Rights First, Fourth and Fifth Amendments to the Free National Constitution of this free National Republic of the United States of America, through the Civil-Rights Act of 1871, as amended, codified as 42 U.S.C. § 1983; under the Civil Rights Act of 1871, as amended, codified as

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

42 U.S.C. § 1985(3); under the Civil Rights Act of 1871, as amended, codified as 42 U.S.C. § 1986; under the Civil Rights Attorney's Fees Award Act of 1976, as amended, codified as 42 U.S.C. § 1988; and under Sections 241, 242, 247, 1349, 2707 and 2724 of Title 18, United States Code.

2. On or about October of the year Two thousand Twenty, including the Sixteenth day of October, C.E. Two thousand Twenty, at approximately 10:45 P.M., two City of New York police officers who, acting under color of state law, detained, assaulted, kidnapped, searched, imprisoned My living body and charged [cestui que trust "PASVIR VOLQUEZ"] prohibiting My exercise of Liberty and pursuit of Happiness to (i) free ingress and egress New York state, and (ii) the practice of My religious convictions, and (iii) the equal protection of other rights mentioned under Sections 1, 3, 6, 7(a), 8, 11 and 12 of Article I, New York Constitution, were deprived by employees of Defendant, CITY OF NEW YORK (hereinafter "CITY"), including, but not limited to, individual Defendants POLICE OFFICER MOSES LEBRON (hereinafter "P.O. LEBRON"), shield No.:9546, Tax Reg. ID No.:956831, and POLICE SERGEANT JAVIER LOPEZ (hereinafter "P.O. LOPEZ"), Shield No.:1826, Tax Reg. ID No.:951937, both personnel of the 079 Command of the Police of the CITY (hereinafter "NYPD").
3. As a direct and proximate result arising from the aforementioned deprivations, amongst other Civil Liberties, Inherent Rights, Civil, Social and Human Rights (specifically, Article 46 of the Geneva Convention Relative To Protection Of Civilian Persons In Time Of War as contained in PL 32 Stat 1803, of the Laws and Customs of War on Land (Hague II)¹; the universal Declaration of Human Rights; and other Human Right Treaties obligated to the National Republic of the United States of America under Executive Order 13107), have been violated by the actions and enjoined course of conduct pursuant to official municipal policy of the CITY; I suffered physical, mental and otherwise irreparable injuries in the loss of First, Fourth and Fifth Amendment freedoms from religious obstruction, invasion of privacy, false detainment, wrongful arrest, kidnap, confiscation of private property without just compensation or due process of law, and

¹ Article 46. "Family honour and rights, the lives and persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated."

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

imprisonment, that remedies available at law, such as sole monetary damages, are inadequate to compensate. Accordingly, I seek equitable remedy of permanent injunctive relief, an award of compensatory and punitive damages, and reasonable attorneys' fees, against collective and individual defendants.

II. JURISDICTION AND VENUE

4. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1332(a)(2), 1343(a)(3) and (4), and 1367, which provides for original jurisdiction in this Court of all suits brought pursuant to 42 U.S.C § 1983, which provides jurisdiction over all cases brought pursuant to the Constitution and laws of the United States. That jurisdiction is founded upon the existence of Diversity of Citizenship. I further invoke the supplemental jurisdiction of this Court to hear and decide claims arising under color of state law, statute, ordinance, regulation, custom or usage.
5. I have complied with the requirements of New York General Municipal Law Section 50-i by making and serving a notice of claim on the Comptroller of the CITY on January 12, 2021, within the time required by New York General Municipal Law Section 50-e. The CITY provided Acknowledgment of Claim Number: 2020PI031207. More than thirty days have elapsed since the service of that notice, and no offer of settlement has been made.
6. At the request of the CITY, Plaintiff submitted to a hearing pursuant to New York General Municipal Law Section 50-h.
7. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b), as the Defendants transact business within this District and the conduct complained of occurred within the boundaries of this District.

III. JURY DEMAND

8. I respectfully demand a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38(b) and the Seventh Amendment of the organic Constitution for the United States.

IV. PARTIES

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

a. Plaintiff

9. Plaintiff P.: Volquez-El, a born alive aborigine American native, human being, and Civilian internationally (“protected person”)² outside the United States, is an Free[man] inhabitant currently 'domiciled by choice' within the limits of Bronx County; and is Moorish-American Citizen of the foreign state New York (hereinafter “N.Y.”), continental United States, North-America.
10. I, P.: Volquez-El, am born alive by Virginia (My mother and member of the species homo sapiens) on the Thirtieth day of October, C.E. One thousand Nine hundred and Eighty-four, a Free Moslem man, endowed with masculine gender by My Creator, Allah, holding *sui juris* standing— not under the *patria potestas, parentis, patris, or viri* of another – having attained to the legal Age of Majority on the Thirtieth day of October, C.E. Two thousand and Two.
11. At all times, I enjoy the Moorish-American Birthrights and Fundamental Rights, Interests, Privileges and Immunities of the American common law and acts of the colonial and state legislatures of New York, and the constitutional Republic for which it stands, as an publicly Declared and Proclaimed faithful member and practitioner of My Forefathers' old time religion of Islamism, under the Divine Covenant, Laws and Islamic Creed of The Holy Koran of Mecca, Love, Truth, Peace, Freedom and Justice; and under The Holy Koran of the Moorish Science Temple of America [circle 7], The Divine Constitution and By-Laws of Moorish Science Temple of America, Inc. (hereinafter “M.S.T. of A.”), and the Koran Questions For Moorish Americans; through My connection with the Moorish Divine National Movement of the M.S.T. of A., authorized under State of Illinois, Cook County, Religious–Affidavit of Organization Form No.:1099, filed for record under Document No.:10105905, which is incorporated in this Federal Government on the 20th day of July A.D. 1928, and recognized by all other nations of the world; I am an official member, with Birthrights, of the lawfully chartered M.S.T. of A., Temple No. 34, Brooklyn NY, Home

² protected person. 2. Int'l law. A person who is protected by a rule of international law; esp., one who is in the hands of an occupying force during a conflict. • Protected persons are entitled to a standard of treatment (including a prohibition on coercion and corporal punishment) under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949). BLACK'S LAW DICTIONARY 11TH ED. pg. 1379.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

Office: 2905 5th Street S.E. Washington, D.C. 20032.

12. At all times relevant hereto, I am a private, "*in full life*", un-enfranchised, non-artificial person, non-fictitious person, non-juristic person, non-juridical person, non-legal person or "persons", non-legal entity, non-holder of any and all public office, non-military civilian, non-*civiliter mortuus*, and non-employee of the Federal Government.

b. Defendants

13. Defendant CITY is a municipal corporation, incorporated pursuant to the laws of the State of New-York (NYS), maintains and operates the NYPD a duly authorized public authority and/ or police department authorized to perform all functions of a police department as pursuant the applicable sections of the aforementioned municipal corporation, and as such is the public employer of the defendant officers herein. Defendant CITY assumes the risks incidental to the maintenance of a police force and the employment of police officers as said risks attach to the public consumers of the services provided by the NYPD.
14. Defendant CITY is a municipal corporation primarily acting as an instrumentality or agency of the UNITED STATES (within the meaning of the term "States"³ and duly organized and existing under and by virtue of the laws of the United States and the constitution of the State of New-York, and pursuant to New York City Charter 17. § 394, it may sue and be sued.
15. Defendant P.O. LEBRON is a police officer employed by the NYPD, and as such was acting in the capacity of an agent, public servant, and employee of the CITY. Defendant P.O. LEBRON was at all times relevant hereto, a CITY police officer employed by the NYPD 079 COMMAND, acting under Shield No.:9546, Tax Reg. ID No.:956831. Defendant P.O. LEBRON acting with the NYPD and operating under color of law and in his individual capacity within the scope of employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of the CITY and the State of New-York. He is entitled to indemnification under New York General Municipal Law Section 50-k and by contract. He is sued

³ Title 28 U.S. Code § 1332(e) The word "States", as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

individually in his official capacities.

16. Defendant P.O. LOPEZ is a police officer employed by the NYPD, and as such was acting in the capacity of an agent, public servant, and employee of the CITY. Defendant P.O. LOPEZ was at all times relevant hereto, a City of New-York police officer employed by the NYPD 079 COMMAND, acting under Shield No.:1826, Tax Reg. ID No.:951937. Defendant P.O. LOPEZ acting with the NYPD and operating under color of law and in his individual capacity within the scope of employment pursuant to the statutes, ordinances, regulations, policies, customs, and usage of the City of New York and the State of New-York. He is entitled to indemnification under New York General Municipal Law Section 50-k and by contract. He is sued individually in his official capacities.
17. At all times relevant hereto, Defendants were acting under the color of state and local law. Defendants are sued individually in their official capacities. At all times relevant hereto, Defendant CITY was responsible for making and enforcing the policies of NYPD and was acting under the color of law, to wit, under the color of statutes, ordinances, codes, rules, regulations, policies, practices, customs and usages of the State of New-York and/or the CITY.

V. FACTS

18. On or about October of the year Two thousand Twenty, including the Sixteenth day of October, C.E. Two thousand Twenty, I was arrested and charged pursuant to New York State Vehicle and Traffic Law (hereinafter "VTL") with Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree (VTL §511(1)).
19. The Criminal Court Complaint set forth the following allegations:
 - a. That cestui que trust/artificial person [PASVIR VOLQUEZ], was "OBSERVED OPERATING A BLUE 2015 BMW WITH EXCESSIVE WINDOW TINTS (18%) AND NO GOVERNMENT PLATE."
 - b. That cestui que trust/artificial person [PASVIR VOLQUEZ], "WAS FOUND TO HAVE A NYS SUSPENDED LICENSE 2 (2 ON 2), AND AN UNREGISTERED/ UNINSURED VEHICLE."

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

20. Significantly and purposely left out of the Criminal Court Complaint was the fact that I, Plaintiff P.: Volquez-El, had provided Notice and duly informed Defendants with facts and information that I was not a "Driver" or "Operator" in a "for-hire" or "employee" capacity engaged in any form of "transportation" or other "commercial use" of the public highways, roads or streets; and that the automobile I was innocently traveling in is My private, not-for-hire, consumer goods [UCC § 9-102(a)(23)]; and that at all times it is exclusively used to transport My family members, automobile guests, and/ or the personal possessions of My family members and/ or automobile guests for non-business recreational purposes only.
21. Defendants also did not document any narrative describing the circumstances that led to the frisk conducted on My protected person, including the facts and circumstances relied upon by P.O. LEBRON to conclude that there was reasonable suspicion that I was armed and dangerous.
22. As of December 7th, 2020, the criminal case against PASVIR VOLQUEZ, via desk appearance ticket issued to the cestui que trust PASVIR VOLQUEZ on October 17th, 2020, for an appearance in local Criminal Court, City of New York on January 14th, 2021, has been dismissed.
23. On the same date, at approximately 10:42 P.M., I was peacefully and innocently traveling on the free and public "traveled way"⁴ of the road within the limits of Kings County, N.Y., continental United States, North-America, with inherent and fundamental right to do so.⁵
24. On the same date and time, I am an internationally protected person seated within My private property, (an "consumer goods" automobile item and personal household effect), pursuing My Happiness in freely practicing My religion of peace that is "Islamism" in calm thought and reflection.
25. I wore an red headdress (i.e., a "Fez") in alignment with My culture and

⁴ TRAVELED WAY. The traveled path, or the path used for public travel, within located limits of the way. Dupuis v. Town of Billerica, 260 Mass. 210, 157 N.E. 339, 341. Also called "traveled part of highway." Westlund v. Iverson, 154 Minn. 52, 191 N.W. 253; Schnabel v. Kafer, 39 S.D. 70, 162 N.W. 935, 936. See Blacks Law Dictionary 4th Ed.

⁵ In all the states, from the beginning down to the adoption of the Articles of Confederation, the citizens thereof possessed the fundamental right, inherent in citizens of all free governments, peacefully to dwell within the limits of their respective states, to move at will from place to place therein, and to have free ingress thereto and egress therefrom, with a consequent authority in the states to forbid and punish violations of this fundamental right. Corfield v. Coryell, 4 Wash. C. C. 371, 380, 381, Fed. Cas. No. 3,230; Slaughterhouse Cases, 16 Wall. 36, 76, 21 L. Ed. 394.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

religious purpose at the time before and during the incident complained of.

26. For example, like a Jewish kippah/ yarmulke or a Sikh dastār, My Moorish Fez demonstrates to the public, and Defendants at the time relevant to this Amended Complaint, My Moorish-American Birthright, and the active practice of My culture and religious faith in Love, Truth, Peace, Freedom and Justice.
27. Said 'private property' mentioned (in hereinabove paragraph 24.) is My ordinary and usual conveyance of the day, exclusively used as a personal 'consumer goods' item and household effect for innocent Travel, pleasure and recreation. It is also a collateral security interest. See N.Y. Uniform Commercial Code (hereinafter "UCC") section 9-102(a)(23).
28. I assert that I do not have a legally enforceable or lawfully binding contract, mutual agreement, "application" or documented request between the Commissioner Department of Motor Vehicles ("MARK J.F. SCHROEDER") and I, for which any of the provisions set forth therein the VTL, local law, ordinance or regulation, or order of the Department of Transportation/Department of Motor Vehicle, (in regard to Motor Vehicle Traffic), such that is applicable to Me, My internationally protected person/(living body), or My consumer goods Automobile, are obligated to, and/or may be in violation thereof.
29. At all points in time, My private property and ordinary and usual conveyance of the day—consumer goods automobile item and personal household effect is a "not-for-hire," non-commercial, for the sole purpose of personal, Travel, pleasure, family and household recreational use only; blue in exterior color paint, all black interior, 2015 model year, BMW 335i, non-passenger sedan; securely attached with, and by, its brand name and Manufacturers' Statement of Origin ("MSO") factory number: [*****NR93473] (hereinafter "consumer goods Automobile")⁶; from the factory it is manufactured with dual exterior rear view mirrors which gives Me, the Traveler, a full and clear view of the traffic behind it.
30. Notice that said consumer goods Automobile is collateral "security interest" [UCC §§ 9-102(44) and 9-109(1)] under a Non-Negotiable Private

⁶ The use to which My consumer goods Automobile is put, rather than its physical characteristics, determine that it should be classified as "consumer goods" under UCC 9-109(1). See *Grimes v Massey Ferguson, Inc.*, 23 UCC Rep Serv 655; 355 So.2d 338 (Ala., 1978); And, UCC § 9-109(1) is a transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

Agreement [SECURITY AGREEMENT Item No.:10301984-PVE-SA]
between 'PASVIR VOLQUEZ' ("Debtor") and 'Pasvir: El' ("Secured Party")
is filed for record with the State of New-York Department of State under
assigned Financing Statement Filing Number: 202104050116655.

31. In addition, I assert that a "vehicle" not used for commercial activity is a "consumer goods", ...**it is NOT a type of vehicle required to be registered and "use tax" paid of which the tab is evidence of receipt of the tax.** See *Bank of Boston vs Jones*, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14. [emphasis added]
32. Further, I assert that it is held that a tax upon common "carriers" by "motor vehicles" is based upon a reasonable classification, and does not involve any unconstitutional discrimination, although '**it does not apply to private vehicles,**' or those used by the owner in his own business, and "**not for hire.**" See *Desser v. Wichita*, (1915) 96 Kan. 820; *Iowa Motor Vehicle Asso. v. Railroad Comrs.*, 75 A.L.R. 22. [emphasis added]
33. Moreover, I assert that statutes [codes, rules and regulations such as the State of New-York VTL] apply only to state created creatures known as corporations no matter whether [creatures of statute and offices of] state, local, or federal [government]. See *Colonial Pipeline Co. v. Traigle*, 421 US 100. (1975).
34. I, P. Volquez-El, am a born living human being under the Universal/ Natural Laws of My Creator and Father-God Allah, the American common law, and international law merchant.
35. At all times relevant to this Amended Complaint, there exists no binding contract requiring My adherence to statutorily authorized VTL or CITY administrative codes, rules and regulations that which Defendants or other officers acting in a law enforcement capacity can legally enforce upon Me, the born alive human being and innocent Traveler.
36. I am an Private Human Being, and not a "Driver" "Operator," "Motorist," or "Passenger"; and further, My conveyance is not a "Motor Vehicle," "Vehicle," "Device," "Contrivance" or "Passenger Sedan" used in any commercial enterprise for profit, or gain, on the free and public highways, roads, and/or streets.
37. At all times prior to, and including the Sixteenth day of October, Two

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

thousand Twenty, My consumer goods Automobile item and personal household effect was not “used as” a “vehicle,” “motor vehicle,” “commercial motor vehicle,” “device,” combination of “vehicles” designed or used to transport passengers or property, or an artificial “contrivance” of any kind or otherwise engaged in the business of carrying or transporting property, passengers or cargo, for-hire or commercial gain and/or profit.

38. Furthermore, NY license plate tabs or “Federal Government” license plate tabs were not attached to My private consumer goods Automobile item and personal household effect to indicate it as an “motor vehicle” for-hire.
39. The traveled way of the road where I was initially stopped, unlawfully detained, assaulted, arrested and kidnapped by Defendants is [named: 270 PUTNAM AVE, BROOKLYN, NY] located at the following geographic Latitude Longitude Coordinates: (40.684012, -73.950108) or (GPS Coordinates: 40° 41' 2.4432" N 73° 57' 0.3888" W), described by Defendants as “SOUTH WEST CORNER MARCY AVENUE & PUTNAM AVENUE” within the limits of Kings County, N.Y., continental United States, North-America.
40. On the same date at approximately 10:45 P.M., I was not impeding traffic, speeding, nor running a red light or stop sign, nor did I have New-York or Federal Government license plate tabs attached or displayed on My consumer goods Automobile.
41. I assert that speeding, “driving” without a license, wrong plates or no plates, no registration, no tags, etc., have been held to be “non-arrestable” offenses. See *Cal. V. Farley*, 98 Cal. Rep. 89., 20 CA 3d 1032.
42. I assert that State [of New-York] Police Power extends only to immediate threats to public safety, health, welfare, etc., *Michigan v. Duke* 266 US, 476 Led. At 449: which driving and speeding are not. See *California v. Farley* Ced. Rpt. 89, 20 CA3rd 1032 (1971).
43. I assert that I had not, nor was I about to, nor was I in the act of, impairing the health, safety, good order, comfort or general welfare of the community or public; and that I was not “driving” or “operating” My private consumer goods Automobile and personal household effect, insofar as to violate any applicable VTL statute, under contract, mutually agreed to by Commissioner of Department of Motor Vehicles and Me.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

44. I assert that I was not about to, nor had I caused, or was causing any damage or injury to any civilians, pedestrians, People or property of the CITY or State of New-York, U.S. citizens or U.S. persons, cargo, passengers, public and/ or private property, human beings, inhabitants, citizens or humankind.
45. I assert at all times relevant hereto, as a general rule, I have the natural right to do anything which My inclinations may suggest, if it is not evil in itself, and in no way impairs the rights of others⁷ including, but not limited to, the right to move at will from place to place therein the [continental united] states, with Liberty to free ingress thereto and egress therefrom [any of the several states of the Union], with a consequent authority in the states to forbid and punish violations of this fundamental right. See *Corfield v. Coryell*, 4 Wash. C. C. 371, 380, 381, Fed. Cas. No. 3,230; *Slaughterhouse Cases*, 16 Wall. 36, 76, 21 L. Ed. 394.
46. I assert that at all times relevant hereto, I did not commit, nor had I committed, nor was I about to commit a crime against any civilians, pedestrians, People or property of the CITY or State of New-York, U.S. citizens or U.S. persons, cargo, passengers, human beings, inhabitants, citizens, mankind or humankind; and that I did not do damage to any public and/or private property.
47. At all times relevant hereto, no living, breathing, flesh and blood, *in full life not civiliter mortuus* witness, victim, human being, inhabitant or injured party ("corpus delecti") had sworn or affirmed to, and wet-ink autographed a verified affidavit and/ or complaint specifically naming, accusing, detailing and/ or otherwise describing Me or My consumer goods Automobile, as a suspect, perpetrator, or instrument used for, or in, the commission of any crime.
48. I assert that the right to physical liberty has long been at the core of our nation's commitment to respecting the autonomy and dignity of each person: "No right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law." See *Floyd*, 283 F.R.D. at 158-59 (quoting *Union Pac. R. Co. v. Botsford*, 141 U.S. 250, 251,

⁷ See *In Re Newman* (1858), 9 C. 502.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

11 S.Ct. 1000, 35 L.Ed. 734 (1891)).

49. On the same date, P.O. LEBRON, at all times driving behind My consumer goods Automobile, activated its NYPD Vehicle emergency lights, and signaled an emergency.
50. At this time, I became aware of the emergency lights, which I perceived as an emergency taking priority on the traveled way of the road.
51. The "PUTNAM AVE" road I was traveling on is a single lane road headed in the west-bound direction.
52. I assert that Defendants had view of the rear of My consumer goods Automobile and the alleged rear windshield "tint" only, when observing from behind the steering wheel of his NYPD Vehicle on the 'night' of 16 October 2020, at approximately 10:45 P.M.
53. After becoming aware of the [disorienting] emergency signal lights, I unhesitatingly parked My consumer goods Automobile unobtrusively on the left-most side of the road in front of building "270" on the PUTNAM [AVENUE] road, and I activated the consumer goods Automobiles' hazard lights.
54. The front of building "270", on PUTNAM [AVENUE] road, is geographically located at Latitude Longitude Coordinates: (40.684012, - 73.950108) or (GPS Coordinates: 40° 41' 2.4432" N 73° 57' 0.3888" W).
55. Defendants stationed their NYPD Vehicle directly behind My consumer goods Automobile.
56. At the time relevant hereto, Defendants P.O. LEBRON and P.O. LOPEZ and their NYPD Vehicles' dash-cam, had unobstructed and clear view of My personal plate/tag.
57. Said 'personal plate' is attached onto the trunk of My consumer goods Automobile, above its rear bumper, and is fastened secure with four metal screws.
58. I assert that My personal plate is not a New-York license plate/tag and does not confer or indicate any applicable jurisdiction of NY VTL to police officers acting in a law enforcement capacity, including Defendants.
59. My personal plate expressly informs and provided written Notice to Defendants of My personal and consumer goods Automobiles' status on the

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

free and public highways and roads as an “not for-hire,” “Nondriver,” “Traveler” with All Rights Reserved—(“UCC 1-308”).

60. My personal plate is a ‘white’ coated aluminum plate marked with ‘black’ letters attached to My consumer goods Automobiles’ trunk, in clearly visible contrast to its ‘blue’ exterior color paint coat.
61. The attached personal plate clearly states, informs, and provides express Notice [N.Y. UCC 1-202] to one of sound mind, competence and capability to read the following text, written in sequential order from top to bottom, as follows: “Notice to Principle is Notice to Agent and Notice to Agent is Notice to Principle,” “PRIVATE AUTOMOBILE,” “UCC 9-102(a)(23),” “NOT FOR HIRE,” “NONDRIVER,” “TRAVELER,” “UCC 1-308,” “FOR NONCOMMERCIAL USE ONLY.”
62. At the time relevant to this Amended Complaint, I witnessed P.O. LEBRON place himself on the sidewalk, to the left of My consumer goods Automobile, perpendicular to its left-rear quarter-panel.
63. P.O. LEBRON then abruptly began to command, what I reasonably perceived to be ‘orders’, to Me, to “lower the windows” of My consumer goods Automobile and personal household effect.
64. I assert that highwayman P.O. LEBRON, prior to commanding compliance by Me, failed to (1) identify himself as a POLICE OFFICER, (2) inform Me of the apparent emergency taking place, and (3) provide any lawful reason for the stop and seizure⁸, before commanding Me to lower My windows and/ or inducing Me to contract with him.
65. At the time relevant to this Amended Complaint, I did not know or understand the ‘highwaymen’ and/ or their demands. Therefore, I requested for verification of his identity and official capacity by politely asking “*What is your name and badge number?*”
66. The highwayman verbatim stated in response, “*OFFICER LEBRON 9546. Just be advised this whole interaction is on body camera. Can I have your license and registration, please?*”
67. Subsequently, due to My want of understanding in regard to this matter and interaction, I responded to P.O. LEBRONS’ question and inquired

⁸ “It is well settled that the stop of an automobile by police constitutes a ‘seizure’ for purposes of the Fourth Amendment (People v. Spencer, 84 NY2d 749, 622 N.Y.S.2d 483, 646 N.E.2d 785 [1995]; People v. May, 81 NY2d 725, 593 N.Y.S.2d 760, 609 N.E.2d 113 [1992])

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

“What is the emergency?”

68. Defendant P.O. LEBRON stated, *“What emergency? ‘You’ are ‘driving’ with ‘tints’, and ‘You’ have no plate on ‘The Vehicle!’”*
69. I immediately informed P.O. LEBRON and stated to him that *“I do have a plate! Did you read the notice that it gives!?”*
70. P.O. LEBRON chose to ignore My statement and did not answer My request for information.
71. P.O. LEBRON commenced to ‘request’ a *“license and registration, please?”*
72. At no point in time hereto, during My interaction with P.O. LEBRON, did I refuse any “lawful” orders and/or to identify Myself.
73. P.O. LEBRON did not request for Me to verbally identify Myself at any point during this incident. However, I peacefully expressed to P.O. LEBRON that *“I am going to identify My-self. However, before I do that, can I just tell you a few things?”*
74. P.O. LEBRON agreed and replied, *“What?”*
75. Subsequently, I expressly informed and provided Defendant P.O. LEBRON Notice (“UCC 1-202”) that: *“For the Record, I am not “Driving” or “Operating” in a “for-hire” or “employee” capacity by engaging in any form of “transportation” or other commercial use of the highways, roads, or streets. This Automobile is My private, not-for-hire, consumer goods; and at all times it is exclusively used to transport My family members, automobile guests, and/or the personal possessions of My family members and automobile guests for non-business recreational purposes only. I am simply traveling OFFICER LEBRON, Shield No. 9546. Please acknowledge that you have been so informed!”*
76. At approximately 11:48 P.M., on the Sixteenth day of October Two thousand and Twenty, P.O. LEBRON acknowledged said statement (hereinabove paragraph 75.) and publicly declared *“I have been informed!”*
77. P.O. LEBRONs’ public declaration and acknowledgment of the fact that he had been so informed that I was not an driver or operator, etc., is captured on both NYPD Body Worn Camera (“BWC”) for documented Arrest No. K20632291, Command 079, D.A.T. Serial No. 079-00331, and on the private dashboard camera of My consumer goods Automobile and personal household effect.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

78. At this point in time, due to P.O. LEBRONs' resumption in requested "You" for a license, insurance and registration, (while displaying his holstered deadly weapon), immediately after his public acknowledgment that "I", in fact, was not a "driver" or "operator" of any "motor vehicle" in a for-hire or "employee" capacity engaged in any form of transportation or other "commercial" use of the highways, roads, or streets, and that I was simply traveling, caused "Me" mental and emotional distress of being assaulted, kidnapped and/ or illegally arrested by police use of force.
79. I expressly reiterated to P.O. LEBRON that "[T]his is not a for-hire car! It is *not* a commercial vehicle!"
80. P.O. LEBRON stated that "[I]t doesn't need to be a for-hire car!" in ignorance of the law.
81. I assert that by rule a statutory provision that [the] supervising official "may" exempt such persons when the transportation is not on a commercial basis means that they "must" exempt them. See *State v. Johnson*, 243 P. 1073; 60 C.J.S. section 94 page 581.
82. Further, I assert that in *People v. Hollman*, 79 NY2d 181, 581 N.Y.S.2d 619, 590 N.E.2d 204, the Court of Appeals clarified the difference between a request for information and the common-law right of inquiry. The Court stated that, as a general matter, 'a request for information involves basic, nonthreatening questions regarding, for instance, **identity**, address or destination' (id. at 185, 581 N.Y.S.2d 619, 590 N.E.2d 204). These questions need be supported only by an objective, credible reason not necessarily indicative of criminality... However, '[o]nce the officer asks more pointed questions that would lead the person approached reasonably to believe that he or she is suspected of some wrongdoing and is the focus of the officer's investigation, the officer is no longer merely seeking information. This has become a common-law inquiry that must be supported by a founded suspicion that criminality is afoot'. See (*People v. Karagoz*, 143 AD3d 912,914, 39 N.Y.S.3d 217, 219 [2d Dept 2016]); and at this point in time, I am being detained without founded reasonable suspicion that I had committed, was committing, or was about to commit a crime (felony or Penal Law misdemeanor) or that criminality is afoot.
83. I then verbally stated My intentions and reserving My [protected constitutional] rights by handing P.O. LEBRON a legal document

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

including the following statement: *"I hereby invoke and refuse to waive all of the following rights and privileges afforded to Me by the United States Constitution. I invoke and refuse to waive My 5th Amendment right to Remain Silent. I invoke and refuse to waive My 6th Amendment right to counsel of My choice. I invoke and refuse to waive My 4th Amendment right to be free from unreasonable searches and seizures. If I am not presently under arrest, or under investigatory detention, please allow Me to leave."*

84. P.O. LEBRON refused to honor My request and unreasonably stated that *"I don't need that!"*
85. P.O. LEBRON then continued to disregard My clearly established rights (UCC 1-308), by stating to Me that *"If 'You' do not provide 'it' I'm going to have to ask 'You' to step out the car."*
86. I assert that I was not armed or dangerous, nor the driver or operator of an "motor vehicle" of any kind.
87. I assert that I did not threaten P.O. LEBRON, nor did he have reasonable articulable suspicion and/or facts to support his alleged traffic stop and deprivation of My Right to Liberty and freedom from unlawful detainment.
88. I the time relevant to this Amended Complaint, P.O. LEBRON did not have lawful basis or articulable facts or reasonable suspicion that I was armed and dangerous to request "You" or Me and My protected person/living body to step out of My consumer goods Automobile and personal household effect.
89. I responded to P.O. LEBRON stated intention to "ask" You to step out the car, and inquired, *"and you're going to Arrest Me?"*
90. P.O. LEBRON then stated that *"if, not necessarily. I just want to establish 'You' are licensed to 'drive' in the State of New-York or in any of the fifty States of our nation!"*
91. I did not understand or Consent to P.O. LEBRONS' inducement to contract through him as an "Driver" or "Operator" for the CITY or STATE OF NEW-YORK or any "STATE OF" within the territorial jurisdiction of the District of Columbia (UNITED STATES) Federal Government.
92. In an increasingly forceful tone, P.O. LEBRON stated to Me that *"All I want to know is if 'You' have license and registration. I need a 'form' of identification. That is all I need! Do you have a form of identification? Let's*

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

start with that!"

93. I perceived these aggressive "requests" by P.O. LEBRON to be a tactic of intimidation, in fully displaying a holstered deadly weapon, and attempting to coerce Me to waive My invoked Constitutional Rights and establish My status to the construction of his will.
94. At this point in time of the interaction with Defendants, I am in extreme mental and emotional distress of unwillingly risking Myself to be battered, assaulted and/or kidnapped by unlawful seizure and P.O. LEBRONS' unreasonable *request*.⁹
95. At no point in time during the interaction between P.O. LEBRON and I, did I "refuse" to verbally identify My protected person/("living body").
96. In response to P.O. LEBRONS wants and needs, [see hereinbefore paragraphs 90. and 92.] I asserted to him that "*Yes, I do under threat, duress and coercion!*"
97. I desired not to bring attention to P.O. LEBRONS' holstered deadly weapon, from the fear of having My statements intentionally misconstrued without My legal Consul present, and from fear of the unwarranted police force communicated to Me through Defendants demeanor and tone of voice.
98. I attempted to verbally express to P.O. LEBRON why I was under threat, duress, and coercion, in stating to him that "*you're alleging that I committed some sort of ...[crime]...???*"
99. P.O. LEBRON abruptly cut Me off from speaking My mind, hindering My free exercise of the guaranteed First Amendment protected right to freedom of speech and My religion/Divine Covenant to at all times adhere to the principles of Love, Truth, Peace, Freedom and Justice, and Acts 3 and 4 of The Divine Constitution and Bylaws, M.S.T. of A., Inc.

⁹ "In *People v. De Bour*, 40 NY2d 210, 386 N.Y.S.2d 375, 352 N.E.2d 562, the Court of Appeals established a graduated four-level test for evaluating the propriety of police encounters when a police officer is acting in a law enforcement capacity. The first level permits a police officer to request information from an individual, and merely requires that the request be supported by an objective, credible reason, not necessarily indicative of criminality. The second level, known as the common-law right of inquiry, requires a founded suspicion that criminal activity is afoot, and permits a somewhat greater intrusion. The third level permits a police officer to forcibly stop and detain an individual. Such a detention, however, is not permitted unless there is a reasonable suspicion that an individual is committing, has committed, or is about to commit a crime. The fourth level authorizes an arrest based on probable cause to believe that a person has committed a crime' (*People v. Clermont*, 133 AD3d 612, 613, 20 N.Y.S.3d 85 [citations omitted]; see *People v. De Bour*, 40 NY2d at 223, 386 N.Y.S.2d 375, 352 N.E.2d 562)."

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

100. Having knowledge of all My hereinbefore expressed Notice and statements for the Record (especially paragraph 75.), P.O. LEBRON stated to Me that *"I'm telling 'You', in the STATE OF NEW-YORK, having tints as dark as 'You' are, is a violation! Can 'You' acknowledge that?"*
101. I could not acknowledge or understand that: *"having tints as dark as 'You' are"*, meaning My copper-colored skin, is a violation in the STATE OF NEW-YORK.
102. Therefore, in response to P.O. LEBRON, I inquired *"for the vehicle and traffic code?"*
103. According to Section 375(12)(b)(4) of the VTL, a rear window [rear windshield] may have a light transmittance of less than seventy percent if the '[motor] vehicle' is equipped with side mirrors on both sides of the '[motor] vehicle' so adjusted that the 'driver' thereof shall have a clear and full view of the road and condition of 'traffic' behind such '[motor] vehicle'.
104. At the time relevant hereto, P.O. LEBRON stated *"This... tints that 'You' have, are, dark. In the STATE OF NEW-YORK that's a violation, right!?' 'Driving' without a [NY] plate displayed also gives Me a reason to stop 'The Vehicle'. This... contraption that 'You' are driving or operating..."*
105. Again, I immediately reformed P.O. LEBRON's incompetent determination and/or mistake and reiterated to him that *"I am not 'operating' or 'driving'!"*
106. I assert that at no time prior to the alleged "traffic stop" did P.O. LEBRON drive parallel or adjacent to My consumer goods Automobile to accurately observe and gauge the "tint" or any alleged material having a light transmittance of less than seventy percent of its front/side/rear windows.
107. I assert that on the night of 10/16/2020 at approximately 10:45 P.M. on the dimly lit Putnam [Ave] road, P.O. LEBRON could not accurately or reasonably gauge any window tint violation based solely on his retinal observation from behind the wheel of his moving NYPD Vehicle.
108. I iterate that the interior and upholstery of My consumer goods Automobile is all black in color, possibly adding to the alleged "tint" degree of the rear window/windshield.
109. At the time relevant hereto, P.O. LEBRON said *"So, what I would like to have now is some form of identification from 'You.'"*

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

110. In good faith, I simultaneously provided P.O. LEBRON with a U.S. Department of Veteran Affairs Member Identification card bearing no. [*****5476] and a legal document containing written statement invoking and refusing to waive My Fifth and Sixth Amendment rights afforded to Me by the Constitution, see hereinbefore statement found in paragraph 83., of this Amended Complaint.
111. No legal address is written or displayed on My Veteran ID.
112. P.O. LEBRON physically received in his hands Notice of both My protected persons legal document which included statement [paragraph 83.] and identification card.
113. At the time relevant hereto, and upon providing the valid form of identification and legal document/statement for My protected person, I verbally expressed to P.O. LEBRON that *"I am going to exercise My Fifth Amendment right, and to remain silent!"*
114. P.O. LEBRON, with both My identification/statement/ legal documents in hand, knowingly disregarded My just invoked and verbally expressed personal right under the Fifth Amendment to the National Constitution against self-incrimination and to remain silent. At this point a reasonable official would understand that what he is doing violates My clearly established rights.
115. P.O. LEBRON unreasonably and coercively continued to question Me without My legal counsel present, after obtaining identification from Me to dispel My protected person's name of any suspected involvement of criminal activity or investigation, depriving Me of the constitutional right to be free from unreasonable searches and seizures and prohibiting the exercise of My religion and Birthrights.
116. Without legal counsel present, P.O. LEBRON continued his questioning of Me, and stated *"Do "You" have a registration or insurance for this "Vehicle"? That is a yes or no question, sir!"*
117. I responded to P.O. LEBRON that *"I am not going to answer that at this moment without My Consul present!"*
118. I assert that My claim and exercise of a constitutional right cannot be converted into a crime. See *Miller v. U.S.*, 230 F 2d 486, 489. And that My declining to answer for "You" is not an admission of guilt.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

119. Again, P.O. LEBRON asked 'You', "do 'You' have insurance or registration?"
120. P.O. LEBRON then pivoted, from what I perceived as his fishing expedition/"investigation", and "requested" for Me to remove a piece of paper that covers over My consumer goods Automobiles' factory number.
121. Prior to this incident, I intentionally placed a piece of paper thereon to create privacy between it (the factory number) and the exposed general view of the public.
122. In personal exercise of My constitutionally guaranteed and protected rights, amongst others, to not be compelled in any criminal case to be a witness against Myself, and rights to privacy of My protected persons, papers, and effects, I refused to waive My fundamental right to not answer questions and did not comply with any unreasonable demand to incriminate Myself, nor did I voluntarily expose to the public view My private consumer goods Automobiles' factory number.
123. Said factory number is attached to the consumer goods Automobiles' dashboard, under the front windshield [near to where a "VIN" would be placed].
124. My private consumer goods Automobiles' factory number is covered with a piece of paper, to create My legally protected right to privacy, between it and the exposed view of the public.
125. For exercising this fundamental right, P.O. LEBRON retaliated by making an incompetent legal determination and stated: "*You' do realize, that if I cannot identify 'This Vehicle', I'm going to have to impound it, right! I need to establish that 'This Vehicle' is not stolen!*"
126. I informed P.O. LEBRON that "*it's not stolen!*"
127. I assert that at no time prior to this incident did I attempt to contact the NYPD to report or make a complaint that My "consumer goods" Automobile, or any of My rights, persons, houses, papers, and/or effects, had been violated, stolen, or damaged.
128. P.O. LEBRON then inferred his incompetent legal determination in assuming that My consumer goods Automobile was "*in fact*" under the jurisdiction and statutory authority of the State of New-York, Department of Motor Vehicles, Department of Transportation and/or the NYPD as an

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

alleged "Motor Vehicle", thus requiring "registration," etc.

129. I did not agree to P.O. LEBRONS statement of; "*You do realize*", nor did I Consent to any demands, requests of any kind or otherwise.

130. Having prior knowledge of the facts given by express Notice [see paragraph 75.] P.O. LEBRON knowingly continued to deprive Me in My Rights and claimed that he stopped Me for two alleged violations: (i) "*There is no [NY] 'plate,' I cannot see anything that identifies this 'Vehicle',*" and (ii) "*The VIN' is being covered.*"

131. P.O. LEBRON controverted his prior alleged claim of "*You' 'driving' with 'tints', and 'You' having no [NY or Federal Government] plate on 'The Vehicle' "*" causing Me to be confused.

132. P.O. LEBRON then threatened My safety and the protections afforded to Me under the Fourth Amendment with, and by, the unlawful confiscation ("theft") of My private property, (I reiterate observable full display of his holstered deadly weapon) and stating to Me that: "*So unless I can identify 'This Vehicle' is not in fact stolen, we are going to have a problem.!*"

133. P.O. LEBRON gave Me a fear inducing warning and thinly veiled threat that he "*...was 'trying' to be as civil as possible...*" in his official public servant capacity. As a CITY employed NYPD officer, P.O. LEBRON was "trying" to be civil.

134. At this relevant point in time of the unlawful detention, I established on the record of P.O. LEBRONS' BWC in response to his prior statements that "*we are going to have a problem.!*" and that he "*...was 'trying' to be as civil as possible...*", in clear and full view of his deadly holstered weapons, that I, *in fact*, was under threat [of force], duress, and coercion of [unwarranted seizure, and] having My Automobile stolen and impounded.

135. I then requested two Warrants from Defendants by respectfully asking: (i) "*Do you have a Warrant to search 'This Vehicle!?',*" and (ii) "*Do you have a Warrant to search 'Me' !? "*"

136. Subsequently, without probable cause or articulable reasonable suspicion that I was a driver or operator, armed and/or dangerous, P.O. LEBRON unlawfully "*ordered*" Me (under authority and color of state law) out of the safety of My consumer goods Automobile, without objective facts to justify any suspicion that a crime may be of foot, or that (1) I was armed and

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

dangerous, (2) I was a threat to him or the public, or (3) I had committed, was committing, or was about to commit a specific felony or Penal Law misdemeanor.

137. I iterate that at this time relevant, P.O. LEBRON had proper identification, obtained from My protected person, to verify and extinguish any reasonable suspicion that I was involved in any criminal activity, participating in commercial "Traffic" or any lawful investigation or violation thereof.
138. The above facts being so, I perceived P.O. LEBRONs' unlawful "order" as his retaliatory and illegal arrest of My protected person/living body for My having had exercised and invoked My protected Constitutional Rights, esp., the First, Fourth and Fifth Amendments to the National Constitution (secured pursuant to the American Bill of Rights); and Section 6 of Article 1, New York Constitution, to not be a witness against Myself and against self-incrimination, nor be deprived of Liberty or private Property without due process of law.
139. I contend that P.O. LEBRON's unlawful "order" furthered the conspiracy to obstruct Me of peaceful religious expression, the Liberty to free ingress thereto and egress therefrom any state within the Union, and deprived Me of clearly established unalienable Rights, protected Constitutional Rights, and Fundamental Interests secured by the National Constitution and laws of the United States¹⁰; Sections 1-308 and 1-103 of the Uniform UCC; Article 46 of the Geneva Convention Relative To Protection Of Civilian Persons In Time Of War as contained in PL 32 Stat 1803, of the Laws and Customs of War on Land (Hague II); and applicable Articles of the universal Declaration of Human Rights.
140. At all times relevant hereto, including this entire episode, I did not make any threats against the collective Defendants; I did not attempt to leave or flee; and I did not take any aggressive actions towards Defendants whatsoever.

¹⁰ The temporary detention of an individual during a traffic stop is subject to limitation under the Fourth Amendment as a "seizure" of the person. [Whren v. United States, 517 U.S. 806, 809-10, 116 S.Ct. 1769, 135 L.Ed.2d 89 \(1996\)](#). The Fourth Amendment requires that an officer making such a stop have probable cause or reasonable suspicion that the person stopped has committed a traffic violation or is otherwise engaged in or about to be engaged in criminal activity. *Id.* at 810, 116 S.Ct. 1769; [United States v. Arvizu, 190*190 534 U.S. 266, 273, 122 S.Ct. 744, 151 L.Ed.2d 740 \(2002\)](#). Whether probable cause or reasonable suspicion exists is an objective inquiry; the "actual motivations of the individual officers involved" in the stop "play no role" in the analysis. [Whren, 517 U.S. at 813, 116 S.Ct. 1769](#).

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

141. P.O. LEBRON stated *“every-thing ‘You’ have place it on the dashboard. That’s an ‘order’?”*
142. Not understanding, I inquired of P.O. LEBRON, *“Because I’m being arrested?”*
143. P.O. LEBRON replied, *“in case, ‘You’re’ mistaken, that’s an ‘order’?”*
144. At all relevant times to this Amended Complaint, due to the prevalent and widespread news of police misconduct and unwarranted police shootings and killings of unarmed civilians, and the Defendants full display of deadly weapons, I feared for My life, under the threat, duress, and coercion of P.O. LEBRON’s unlawful and unwarranted “orders”.
145. Out of fear of loss of Life and harm against My protected person/living body, and to avoid being murdered, shot, beaten, or tased for resisting an illegal arrest, under the unlawful order, threat, duress, and coercion of Defendant, I exited the safety of My private property and household effect, faced My consumer goods Automobiles’ seat, and I placed My hands behind My back.
146. P.O. LEBRON physically placed his hands on My international protected person and turned My living body around to face him.
147. P.O. LEBRON asked *“do ‘You’ have any weapons on ‘You’ ?”*
148. I expressly provided him Notice that *“No, I do not have any weapons or drugs on Me or in My automobile. I Do Not Consent to any searches or seizures!”*
149. P.O. LEBRON then stated that *“‘You’ don’t need to [provide consent]. Alright!”*: And alleged that *“At this point, ‘You’ are being ‘somewhat difficult’”*: and continued to violate Me for invoking fundamental and protected Constitutional Rights, among My unalienable Rights.
150. P.O. LEBRON patted down My protected person/living body for indication of any weapons and/or illegal drugs.
151. I requested P.O. LEBRONs’ “partner” for his name and Shield number.
152. P.O. LOPEZ replied, *“Sergeant Lopez, shield number 1826.”*
153. I assert that at no time relevant to this Amended Complaint did P.O. LEBRON or P.O. LOPEZ undertake activity that could reasonably be construed as promoting officer safety. In fact, notwithstanding: (i) the lack

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

of any indication that I had ever attempted to flee; and (ii) no weapon, illegal substances, or drug paraphernalia being located, (iii) and having been provided proper identification, the Defendants continued to falsely detain Me.

154. Furthermore, the collective Defendants detention of My internationally protected person was not limited, and I assert the police conduct was not reasonably related to the investigation of an non-criminal traffic violation, thereby enlarging the duration of the alleged traffic stop.

155. Defendants did not find any weapons or drugs on My internationally protected person, or in My consumer goods Automobile because none existed.

156. I am, at all times, a peaceful, Law-abiding, up-standing, private, White Moorish-American Citizen¹¹ under the Divine Laws of The Holy Koran of Mecca, Love, Truth, Peace, Freedom and Justice, M.S.T. of A. Divine Constitution and Bylaws; and Free inhabitant within the limits of the several State of New-York, continental United States, North-America.

157. I assert that I was not conducting any commercial business for gain or profit while innocently traveling in peaceful recreational use of My private property, i.e., My ordinary and usual conveyance of the day—("consumer goods Automobile").

158. I assert that I was not conducting any illegal and/or criminal activity, nor was I engaged in a trade or business on the highways, roads, or streets on the land within the limits of the continental United States, North America, or the UNITED STATES, (i.e., the "District of Columbia") several States of the Union, at the initiation of Defendants alleged "traffic" stop.

159. Furthermore, at all times, I am NOT an African American, Negro, Colored or Black "*persons*," Fourteenth Amendment U.S. citizen or U.S. person, Federal Government employee, Employee of the government, or an officer, employee or agent of any Federal agency under any contract "for hire" as a government agent in the business of performing any function of government, including, but not limited to, carrier for-hire, driver, operator, motorist, or motor carrier for-hire.

160. I, and My protected person/living body and consumer goods

¹¹ For the purposes of Section 2 of Article IV, U.S. Constitution.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

Automobile/(private property), are not engaged in the transportation of passengers, cargo, or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business “*for commercial purposes*”¹², or any other undertaking intended for profit and/or gain on the free and public highways, roads or streets.

161. I am a sentient human being made by the God of My Father, Allah. See M.S.T. of A., Koran Questions For Moorish Americans, No. 1, page 1.
162. At all times relevant hereto, I am not, and I do not, undertake employment as carrier, driver, operator, or motorist for-hire, nor is My consumer goods Automobile a vehicle, motor vehicle—(“18 U.S.C. 31(a)(6)”), device, or contrivance, used for or in any commercial purpose.
163. I assert that I am not compelled or required to have a certificate of convenience and necessity (“drivers’ license”), to exercise My God-Allah given unalienable Right, inherent/imprescriptible right, and legally guaranteed and protected Constitutional Rights and fundamental interests to (i) freely practice and express My religious beliefs unobstructed and unmolested, (ii) pursuit of My happiness, liberty interest and Travel upon the Earth land, and (iii) free enjoyment of My privacy and personal security within My private property, papers, household goods and effects without unwarranted infringement or arbitrary interference by public officers under legislated authority of any corporate “State” or territory of the UNITED STATES, District of Columbia, to include but not limited to, the employees of the STATE OF NEW-YORK, its corporate municipality d/b/a the “CITY”, and its law enforcement agencies, e.g., NYPD, etc., and (iv) to equal protection and due process of law.
164. Furthermore, I did not consciously, willingly, or voluntarily waive any of My Constitutional Rights to privacy against unreasonable searches and seizures without a proper Warrant issued upon probable cause, supported by oath or affirmation, signed by an authorized Judge, particularly describing the place to be searched, and the persons or things to be seized, in accordance with due process of law.
165. I, under threat, duress and coercion, in sum and substance, asked Defendants, “*Am I being Arrested or am I free to go?*”, to which [he] replied

¹² See subsection 31(a)(10) of Title 18, United States Code.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

I was being Detained.

- a. "A traffic infraction is not a crime and the punishment imposed therefor shall not be deemed for any purpose a penal or criminal punishment..." See Vehicle Traffic Law, Title 2, Article 2A, Section 155; and
- b. "A traffic infraction is not a crime or criminal offense." See People v. Battle; and Title 2, Article 2A, Section 227 of the Vehicle Traffic law; and
- c. **"Traveling in an automobile on the public roads was not a threat to the public safety or health and constituted no hazard to the public, and such a traveler owed no other duty to the public (e.g. the State); he / she and his / her auto, having equal right to and on the roadways / highways as horses and wagons, etc.; this same right is still Substantive Rule, in that speeding, running stop signs, traveling without license plates, or registration, are not threats to the public safety, and thus, are not arrestable offenses."** See *Christy v. Elliot*, 216 I 131, 74 HE 1035, LRA NS 1905--1910: *California v. Farley* 98 CED Rpt. 89, 20 CA 3d 1032 (1971) [emphasis added].

166. Defendants conspired and detained Me longer than necessary to confirm or dispel any suspicion, hunch, or gut feelings that I was in fact committing, had committed, or I was about to commit a crime infringing on any public interest, safety, or concern. Thereby violating My clearly established inherent, fundamental and protected Constitutional Rights.

167. In addition, I assert that the jurisdiction of the statutorily authorized (non-positive) State of New-York Vehicle and Traffic Law (hereinafter "VTL") for which P.O. LEBRON alleged was the reason that initiated his "traffic" stop of My noncommercial consumer goods Automobile, resulting in My detainment and seizure, are inapplicable unto My internationally protected person/living body and do not apply to Me or My private property at any time relevant to this Complaint.

168. Due to assertion of Rights and refusal to waive any invoked fundamental right, especially My protected constitutional right not to self-incriminate, so secured under the Fifth Amendment, P.O. LEBRON elevated the My illegal detention to a False Arrest and wrongful Imprisonment.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

169. At the time relevant to this Amended Complaint, P.O. LEBRON retaliated and assaulted My living body to effectuate an illegal arrest, allegedly for “*being somewhat difficult*”.
170. P. O. LEBRON placed handcuffs on My international protected persons’ wrists without probable cause of a “crime,” due process of law, and having knowledge and information that I was an innocent Traveler, and not a “driver,” “operator,” “driving,” or “operating” for commercial purposes.
171. At this point in time, Defendants appropriated My private property and living body without just compensation or due process of law.
172. I assert that My illegal Arrest is an assault and battery. See *State v. Robinson*, 72 A. 2d 260.
173. After acknowledging that he was informed that I was traveling and not driving or operating My consumer goods Automobile, P.O. LEBRON unlawfully assaulted and placed handcuffs on My internationally protected persons’ wrists.
174. Defendants deprived and obstructed Me of My constitutionally guaranteed and fundamental rights, to include, but not limited to, equal protection from violations of My unalienable and inherent right to (i) express My ideas through freedom of speech and practice My religious Creed and principles of Love, Truth, Peace, Peace, Freedom and Justice, (ii) privacy and protection of unwarranted intrusion and molestation by the public or law enforcement, (iii) personal liberty, (iv) freedom of movement to egress and ingress thereto or therefrom any state of the Union without obstruction or hinderance, (v) undue punishment of incarceration, (vi) free-holding My private property and personal possessions, and (vii) not have My private property confiscated without just compensation and/or legal due process of law.
175. I assert that at no point in time did Defendants have Probable Cause or articulable reasonable suspicion based on objective facts that I was armed and dangerous or that I had committed, that I was committing, or that I was about to commit a crime for which public interest outweighed protection of My reasonable expectation and equal right to privacy, freedom of religion, Liberty, pursuit of Happiness, and other Fundamental Rights and Civil Liberties guaranteed by the Free National Constitution for the United States of America.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

176. I further assert the protections afforded to Me pursuant to the American Bill of Rights, mentioned under the First, Fourth and Fifth Amendments to the organic Free National Constitution and laws of the United States, especially My expressly invoked Fifth Amendment Constitutional Right to not self-incriminate or produce information that will be used against Me in a court of law, unless voluntarily given or obtained with My express Consent, in order for Defendants to have lawfully Arrested and Imprisoned Me.
177. The STATE OF NEW-YORK statutorily authorized VTL is inapplicable as there is no contract to enforce. I assert that the procedures undertaken by Defendants under color of law are unconstitutional and null and void as applied to Me. Therefore, Defendants had no basis to Arrest and criminally charge [PASVIR VOLQUEZ] and unlawfully imprison My internationally protected person/living body.
178. I affirmatively deny any and all allegations and/or presumptions that My “conveyance of the day” consumer goods Automobile and personal household effect, that which I use to Travel the free and public highways and roads, is a “vehicle,” “motor vehicle,” “device,” “contrivance,” or as the term “equipment” is defined at UCC 9-102(33).
179. At all times relevant, I deny committing any alleged crime, felony, penal law misdemeanor, or violation of any local law or ordinance that was infringing or damaging the rights of any State of New-York inhabitant, humankind, natural person, or citizen.
180. At all times relevant I deny being an alleged suspect, participant or perpetrator, that caused injury, or damage, to any natural/human being, inhabitant, victim, or witness who had sworn to, or affirmed, an autographed and verified complaint against Me, if one even exists.
181. I do not have a lawful contract, mutual agreement, “application” or documented request for certificate of public convenience and necessity and/or the “privilege” to “operate” a “motor vehicle” with Mark J.F. Schroeder d/b/a COMMISSIONER of MOTOR VEHICLES, nor Marie Therese Dominguez d/b/a COMMISSIONER of DEPARTMENT of TRANSPORTATION, which may grant legal right pursuant to the delegated statutory authority of the Department of Motor Vehicles, and/or any local enforcement agency, or local municipal instrumentality of CITY,

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

for which it may enforce upon Me, the private man and sentient, Free-born living human being, nor on the cesti que trust entity "PASVIR VOLQUEZ".

182. Defendants knowingly, and intentionally, disregarded the fact that I do not have a contract with, nor am under any assumed jurisdiction of the State of New-York Department of Motor Vehicles, Department of Transportation, or any municipal corporation, agency, or instrumentality under the provisions of State of New-York, District of Columbia, UNITED STATES, to be legally compelled to produce a Driver's License and Registration to a Public Servant- ("police officer") for the free and unmolested enjoyment of the equal right to practice My religion unobstructed, and of Life, Liberty, Property, and My inherent right to ingress and egress any several state of the Union, including, but not limited to, N.Y., on this land, continental United States, North-America, and traveling in a noncommercial, not-for-hire, not for profit and/or gain capacity.
183. After I identified My internationally protected person, Defendants continued to arbitrarily, oppressively, and otherwise 'unreasonably' violate My Clearly Established protected Constitutional Rights and fundamental interests, legally guaranteed under the American Bill of Rights First, Fourth and Fifth Amendments to the National Constitution and laws of UNITED STATES; and protected from violation under Sections 1, 3, 6, 7(a), 8, 11 and 12 of Article I, New York Constitution, in having knowledge and information of My nondriver Traveler status.
184. Defendants had reason to know that I was a non-party to any criminal activity.
185. At the time relevant to this Amended Complaint, Defendants unlawfully detained, assaulted, arrested, and kidnapped Me, without Consent, authorization of proper Warrants, due process of law, or just compensation, for their undertaken actions in appropriation and conversion of My private property, taken for benefit and public commercial use by Defendants.
186. My private property was taken from the general location of incident to the foreign NYPD 079 COMMAND, 79 precinct.
187. Defendants, conspiring collectively, and individually, deprived and caused

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

Me irreparable injury in denying Me the free exercise and enjoyment of the unalienable Rights, inherent rights, fundamental rights, and Constitutional Rights, Interests, Privileges and Immunities including, but not limited to, the First, Fourth and Fifth Amendments to the National Constitution and laws of the United States, and deprivations of Constitutional Rights and Civil Liberties under Sections 1, 3, 6, 7(a), 8, 11 and 12 of Article I, New York Constitution, for acts actionable under Sections 241, 242, 247 of Title 18, United States Code.

188. I verbally expressed to P.O. LEBRON, acting under Shield No.: 9546, Tax Reg. ID No.: 956831, that: *"I do not consent to any searches or seizures!"* to which, Defendant willfully disregarded said statement, and retaliated by placing handcuffs on My internationally protected person; and furthered the conspiracy to violate My invoked and protected Constitutional Rights.
189. Defendants inflicted undue punishment on Me by unwillingly kidnapping Me and My living body, to transport My living body from the scene of incident to the foreign NYPD 079 COMMAND jail cell. I unwillingly endured approximately two hundred seventy (270) minutes, enriching Defendants' foreign commerce, because I chose to assert My constitutionally-protected right to be secure in My internationally-protected persons, houses, papers, and effects, against unreasonable searches and seizures, and to the protection against deprivation of My unalienable Right to Liberty, and constitutionally protected right against having My private property appropriated for public and commercial use without just compensation, or be compelled to be a witness against Myself without My Consul present, and to equal protection and due process of law. Defendants, in order to further the commission of their wrongful acts against Me, deprived Me of the Constitutional Rights aforementioned.
190. Defendants, without express Consent, lacking proper warrants and/or probable cause to search and/or seize My protected person and property, upon transporting Me and My private property, for commercial gain away from the scene of incident, violated My constitutionally guaranteed and protected right to privacy, and the protections against unreasonable searches and seizure under the Fourth Amendment to the National Constitution, and Section 11 and 12 of Article I, New York Constitution.
191. At the time relevant to this Amended Complaint, Defendants trespassed

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

into My properly parked private property, appropriated it in foreign commercial and public use to the NYPD 079 COMMAND geographically located at Latitude Longitude coordinates: (40.688801, -73.944511), (GPS Coordinates: 40° 41' 19.6836" N 73° 56' 40.2396" W), [named: "263" TOMPKINS AVE, BROOKLYN, NY, UNITED STATES] away from the general area of incident, without My Consent, lawful authorization, and in want of proper Warrants.

192. Defendants failed in the duty to uphold their Oath of Office to support the constitution of the United States, and the constitution of the State of New-York, and to the protection of equal rights afforded to every inhabitant and Citizen, by conspiring in aforementioned acts, and in neglecting to inform Me of My Constitutional Rights or any "Miranda" warning, and continuing in their accusatory accosting and unreasonable common law questioning of Me without legal counsel present, in fraudulent attempts to incriminate Me after assaulting and placing handcuffs on My protected person, and kidnapping Me from the scene of incident to the foreign NYPD 079 COMMAND.

193. The United States Supreme Court ruled that in the case of a person stopped for a misdemeanor traffic offense, once they are in custody, the protections of the Fifth Amendment apply to them pursuant to the decision in *Miranda v. Arizona* 384 U.S. 436 (1966). See *Berkemer v. McCarty*, 468 U.S. 420 (1984).

194. At all times relevant hereto, Defendants conspired to fabricate evidence to support their acts by utilizing a fictitious address, in order to fabricate probable cause; deceptively preparing false physical evidence in the unlawful business of issuing a STATE OF NEW-YORK DESK APPEARANCE TICKET against the cestui que trust entity ("PASVIR VOLQUEZ"), for an alleged 'criminal' charge.

195. Defendants' acts of preparing false physical evidence with a fictitious address to place on the proceedings of public record are actionable under Subsections 241, 242, 247, 1028(a)(1), 1201 and 1349 of Title 18, U.S.C.. Defendants are also in violation of Section 215.40, New York penal law.

196. Defendants produced and unlawfully introduced for official proceeding on public record, fraudulent information in the form of a fictitious residence address, not obtained with express Consent, nor physically found on My

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

- international protected persons' living body and/or in My wallet at the time of Arrest.
197. Defendants violated My unalienable Right to Liberty and constitutional right protected under the Fourth Amendment, to transport Me from the general area of incident geographically located at: 40 degrees, 41 minutes, 02.5 seconds north; 73 degrees 57 minutes, 00.5 seconds west (40°41'02.5" N 73°57'00.5"W, to the foreign NYPD 079 COMMAND, geographically located at: 40 degrees, 41 minutes, 19.9 seconds north; 73 degrees 56 minutes, 41.0 seconds west (40°41'19.9"N 73°56'41.0"W).
198. Defendants held Me imprisoned in a CITY NYPD 079 COMMAND jail cell, to endure undue punishment of incarceration; and without just compensation for the appropriation of My private property converted for commercial and public use for benefit and transportation of Defendants.
199. I assert Defendants lacked lawful authorization, express/written Consent, and a proper Search-Warrant and/or Arrest Warrant, wet-ink signed and issued by an authorized Judge, supported by oath or affirmation, particularly describing Me, My protected person, and, or, My consumer goods Automobile, the place to be searched and the persons or things to be seized, to reasonably justify any of the irreparable, damaging, and wrongful acts committed against Me.
200. Defendants unconstitutionally deprived Me of the equal protection of Liberty and Property without lawful cause or due process of law, in incarcerating Me for approximately two hundred seventy (270) minutes during the NYPD booking process or custom.
201. Similar to *Trezevant v. City of Tampa* 741 F.2d 336 (11th Cir. 1984), [plaintiff] was illegally held for 23 minutes on a "traffic charge" and was awarded \$25,000 in damages, setting forth the foundation for \$1,086.00 per minute.
202. I was made to suffer the mental anguish, emotional distress, and undue punishment of incarceration for Defendants effectuated illegal Arrest and incarceration of My living body for alleged violations under a statutory VTL charge that was dismissed.
203. Therefore, I am clearly entitled to equitable remedy of permanent injunctive relief to redress My irreparable injuries from the mental

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

anguish, emotional distress, and deprivation of unalienable and Constitutional Rights that I suffered from this entire episode.

204. P.O. LEBRON and P.O. LOPEZ, in violation of conduct described in U.S.C. §§ 241 and 242 and official CITY policy and training NYPD PATROL GUIDE PROCEDURE NUMBER: 212-11, failed to faithfully discharge the duties of their public office, pursuant to Section 1 of Article 13, New York Constitution, and deprived Me of the following Inherent and Constitutional Rights, Privileges, Immunities, Fundamental Interests, and other equally protected rights to:

- i. free exercise or enjoyment of any constitutional right or privilege so secured; and
- ii. exercise and enjoy the unalienable Right to Liberty and the free ingress and regress to Travel to and from New York and neighboring states, and to use the roadways unrestricted and unmolested; and
- iii. equal protection of the laws of this state (“New York”), the United States, or any subdivision thereof; and
- iv. be secure in My protected person, houses, papers, and/or effects, against unreasonable searches and seizures infringing on liberty and private property without due process of law; and
- v. be provided a warrant, wet ink signed by a Judge and supported by Oath or affirmation, particularly describing the place to be searched, and the persons or things to be seized; and
- vi. just compensation for private property taken for public use; and
- vii. freedom from being wrongly subjected to different punishments, pains, or penalties, on account of invoking Constitutional Rights secured by the supreme Law of the Land; and
- viii. freedom from being held to answer for a capital, or otherwise infamous crime, without a presentment or indictment of a Grand Jury; and
- ix. being informed of the nature and cause of the accusation so alleged; and
- x. be faced with the Witness making the alleged accusations, and to be represented by proper Consul.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

205. As a result of Defendants course of conduct, I unwillingly endured approximately two hundred seventy (270) minutes incarcerated in police custody, My living body physically (“kidnapped”) and imprisoned within a NYPD 079 COMMAND jail cell [near 263 Tompkins Avenue Brooklyn, NY], from approximately 11:00 P.M. on 16 October 2020, to the time I arrived home to My ‘domicile of choice’ at approximately 3:51 A.M. on 17 October 2020.

206. Due to My physical release from the CITY’s NYPD 079 COMMAND jail cell at approximately 3:15 AM, and CITY public transportation not in operation because of the COVID-19 pandemic, and to the extreme inconvenience of having had My travelling conveyance of the day appropriated, and all the property and effects contained therein being placed in a plastic bag for Me to physically carry, I had no other alternative but to contract the services of an UBER ride incurring a total of \$40.32 on October 17, 2020, for a ride with License plate: T651811C, FHV License Number: 5547093, Driver’s TLC License Number: 5438570, that endured approximately 17.28 miles or 31 minutes, to return to My domicile of choice.

207. The UBER ride departed at 3:20 AM from CITY’s foreign NYPD 079 COMMAND [264 Tompkins Ave, Brooklyn, NY, within US], and arrived at 3:51 AM to My domicile of choice [near 1447 Macombs road, Bronx County, N.Y., without US].

208. In the totality of Defendants acts and course of conduct, I have been damaged and suffered irreparable injuries of mental anguish, extreme inconvenience, loss of peace of mind, extreme emotional distress, loss of My personal Liberty, free-hold possession of My consumer goods Automobile without just compensation, and deprivation of Constitutional Rights.

209. I am further aggrieved by the physical assault and illegal arrest of My internationally protected person, deprivation of My primary right to be free from assault, religious discrimination and obstruction, unlawful search and seizure of My protected person and consumer goods Automobile, wrongful Imprisonment, and the deprivation of other protected Constitutional Rights aforementioned in paragraphs above.

210. My inherent right to travel for personal, recreational, and not-for-hire

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

- purposes, is a part of the 'liberty' of which, I, a Moorish-American Citizen, cannot be deprived without due process of law under the Fifth Amendment to the National Constitution. In Anglo-Saxon law this right was emerging at least as early as the Magna Carta. See *Kent v. Dulles*, 357 U.S. 116, 125.
211. I assert the use of the highway for the purpose of Travel and transportation is not a mere privilege but a common and fundamental right of which the public and I cannot rightfully be deprived. See *Chicago Motor Coach v. Chicago*, 337 Ill. 200, 169 NE 22, 66 ALR 834. *Ligare v. Chicago*, 139 Ill. 46, 28 NE 934. *Boone v. Clark*, 214 SW 607; 25 AM JUR (1st) Highways, Sec. 163.
212. In *Thompson vs. Smith*, supra.; *Teche Lines vs. Danforth*, Miss., 12 S.2d 784 it is stated "... *the right of the citizen to drive on a public street with freedom from police interference... is a fundamental constitutional right*" - *White*, 97 Cal.App.3d.141, 158 Cal.Rptr. 562, 566-67 (1979) "*citizens have a right to drive upon the public streets of the District of Columbia or any other city absent a constitutionally sound reason for limiting their access.*"
213. *Holland v. Shackelford*, 137 S.E. 2d 298, 304, 220 Ga. 104; *Stavola v. Palmer*, 73 A.2d 831, 838, 136 Conn. 670 "*There can be no question of the right of automobile owners to occupy and use the public streets of cities, or highways in the rural districts.*" *Liebrecht v. Crandall*, 126 N.W. 69, 110 Minn. 454, 456 "*The word 'automobile' connotes a pleasure vehicle designed for the transportation of persons on highways.*"
214. Although I informed Defendants that I am NOT a "driver" or "operator," in a "for-hire" or "employee" capacity engaging in any form of "transportation", "carrier" or other commercial use of the highways or roads, Defendants demonstrated an intentional disrespect and disregard for My expressed notice and their NYPD training, in pursuance of, and in order to inflict punishment on Me with undue incarceration of My protected person without due process of law, without My express consent, and refusal to answer questions absent probable cause and My private legal Consul.
215. Defendants violated their official policy and training pursuant to the CITY, NYPD PATROL GUIDE PROCEDURE NUMBER: 212-11, in their intent to impede, molest, unlawfully Detain, religiously obstruct, accost, hinder, assault, kidnap, search and seize, wrongfully Imprison, fabrication

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

of fictitious address as evidence, and appropriation of My internationally protected person and private property without just compensation or due process of law.

216. Defendants failed to obtain probable cause for the individualized reasonable suspicion that I had committed, was committing, or was about to commit a felony or penal law misdemeanor; and absent an alleged crime (which a traffic infraction is not)¹³ reported by a credible witness, Defendants deprived Me of the right to equal protection of the laws and caused Me irreparable injury and undue punishment, under color of State law.
217. No record of a complaint made by a credible, natural, and living human being exists against Me, My protected person, or My private property.
218. The personal plate securely attached to the rear trunk of the private, personal use, consumer goods Automobile, when stopped by Defendants, is not issued by the commissioner of motor vehicles, and clearly provides express Notice to law enforcement of its not-for-hire / non-commercial / nondriver traveling nature and status, its classified use on the roads, and explicit reservation of rights— UCC 1-308.
219. My consumer goods Automobile is not a “motor vehicle” as defined by VTL Legislation Article 1, Section 125, and Defendants had no reasonable cause to believe or suspect so otherwise.
220. My private, not-for-hire, conveyance is under a non-negotiable private security agreement not subject to any law of this State or by any law, local law or ordinance of a political subdivision of this State, i.e., corporate municipality, or by any order, rule or regulation of any governmental instrumentality authorized by law to adopt the same, including any local law, ordinance, regulation, statute, or order provided by the State of New-York, CITY, Department of Transportation, or Department Motor Vehicles.
221. I assert that New York State driver's license plate issued by the NY Commissioner of Motor Vehicles is in fact a receipt, or prima facia evidence of a contract, for fees, dues or “use tax” paid to the commissioner of motor vehicles in request to register a “motor vehicle,” and

¹³ Traffic infractions are not a crime. *People v. Battle*, 50 Cal. App. 3, step 1, 123 Cal.Rptr. 636, 639

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

subsequent to its registration is then subject to the statutory authority and jurisdiction of the Commissioner of Department of Motor Vehicles (DMV), Department of Transportation (DOT), and thereby is compelled to adhere and abide by the legislated VTL codes, rules and/or regulations by its delegated enforcement agencies, e.g. the NYPD and State police.

222. I affirmatively deny knowingly entering into any mutual, handwritten wet-ink autographed, and conscionable contractual agreement between the State of New-York Commissioner of Motor Vehicles and I, for permission, privilege, or certificate of convenience and necessity, of a motor carrier drivers' license and/or a registration for a "Motor Vehicle", that which Defendants are delegated the legal right to enforce upon the obligee.

223. Furthermore, I assert the provisions of the VTL are non-obligatory and are inapplicable as may relate to Me, and therefore null and void, because (i) I am a "non-resident" of State of New-York, (ii) I am a peaceful and innocent Traveler, not a "driver" "operator," "motorist," or "carrier" and informed Defendants as such, (iii) My private consumer goods Automobile is excluded from the term "motor vehicle" as defined by Title 1, Section 125 of the VTL, as its' [My Automobiles'] use is "other than for-hire," (iv) My consumer goods Automobile is at all times NOT "equipment" used for business purposes, or in any commercial activity, whatsoever, and (v) a tax on something over which the state has no jurisdiction is a deprivation of property under the provisions of the Fifth Amendment to the Constitution and laws of the United States of America.

224. I assert My consumer goods Automobile is not a commercial motor vehicle as defined by NYS Title 5 VTL Section 501-A(4.), which states that "***a commercial motor vehicle is a 'motor vehicle'.***" However, per VTL Section 501-A(4.)(b) "***a commercial motor vehicle shall NOT include: (i) a personal use vehicle.***" Further; "***A personal use vehicle is a vehicle constructed or altered to be used for recreational purposes which is exclusively used to transport family members and/or personal possessions of such family members for non-business recreational purposes...***" NYS VTL Sections 501-A(4)(b) and 501-A(7), respectively [Emphasis added].

225. I am an innocent Traveler *in itinere*, and I affirmatively deny at all times to being a *driver* and/or *operator*.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

226. The statutory authority of VTL is inapplicable unto Me. Title five, Article eighteen, Section five hundred of the VTL provides that it “...*shall be exclusively controlling: a. Upon the licensing and regulation of drivers; and b. On their use of public highways.*” [Emphasis added]
227. Furthermore, I deny at all times that My consumer goods Automobile is a “motor vehicle” as mentioned in Title five, Article eighteen, Section four hundred of the VTL which states “*Except as otherwise expressly provided in this chapter, this title shall be exclusively controlling: a. Upon the registration, numbering and regulation of motor vehicles and motorcycles; and b. On their use of public highways.*” [Emphasis added].
228. According to VTL Section 501-A(4)(b), “*a commercial motor vehicle shall not include: (i) a personal use vehicle*” and thus is not required to be registered with the commissioner of motor vehicles pursuant to VTL Section 401.
229. I do not require a New York State drivers’ license plates/tag, or registration issued by the Commissioner of Motor Vehicles, for the inalienable right of free ingress and regress to and from’ neighboring states and to the free use and access of the roadways, in any manner insofar as I am not “driving” for-hire, undertaking commerce in or for any other commercial capacity, or damaging or violating the property and/or rights of others by unnecessary risk to the public.
230. At all times relevant hereto, I contend Defendants had no reasonable articulable facts to justify the deliberate, conscious, and willful actions undertaken to include, but not limited to; unlawful Detention, accosting, hindering, religious discrimination and obstruction, assaulting, Warrantless search and seizure, kidnapping, False Arrest, and non-consented wrongful Imprisonment of My protected person and private property.
231. I, Pasvir; *sui juris* of the tribe/family: El©, nor the entity known as Pasvir Volquez©, do not and did not voluntarily apply, request, or consent to contract with the commissioner / Department of Motor Vehicles / Department of Transportation / Traffic Violations Bureau / City of New-York or any municipal corporate agency, or instrumentality related to the regulation of traffic thereof.
232. Without a valid Contract or consideration there is no DMV / Traffic

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

Violations Bureau / CITY or any municipal corporate agency jurisdiction over Me. My private property does not “reside” in the colorable fictitious territory as evidenced in *Wheeling Steel Corp v. Fox*, 298 U.S. 193 (1936), the Supreme Court states: “Property taxes can be on tangibles or intangibles. In order to have a situs for taxation (a basis for imposing the tax), tangible property (physical property) must reside within the territorial jurisdiction of the taxing authority, and intangibles...”

233. P.O. LEBRON, in his conspiracy to deprive Me of due process of law and other Rights aforementioned, issued a STATE OF NEW-YORK – desk appearance ticket for an offense of “VTL0511 01” on the cestui que trust [PASVIR VOLQUEZ] while I unwillingly endured wrongful incarceration of My living body in CITY’s NYPD 079 COMMAND jail cell. In doing so, Defendant’s act wronged Me and violated the Constitution and laws of the United States, and the New York Constitution. I further assert that ‘A claim that action is being taken under the police powers of the state cannot justify disregard of constitutional inhibitions.’ See *Panhandle Eastern Pipeline Co. v. State Highway Commission*, 294 U. S. 613.

234. Furthermore, I assert that it is settled that the Constitutional Rights protected from invasion of the police power include rights safeguarded by both the express and implied prohibitions in the Constitutions. See *Tighe v. Osborne*, 131 A 801; *State v. Marble*, 73 N. E. 1063; *State v. Redmon*, 114 N.W. 137.

235. The Presentment offered to the cestui que trust [PASVIR VOLQUEZ] states that it is summoned to the local CRIMINAL COURT of the CITY [(military) maritime/admiralty on-boarding location] at: 120 SCHERMERHORN STREET, BROOKLYN, NY 11201, within US, on January 14, 2021, to answer a criminal charge.

236. I, Principle and Sole Beneficiary, autographed said Presentment “Under Duress” pursuant to UCC 1-308. Defendant P.O. LEBRON stated in sum and substance that My internationally-protected person and living body would not be set free unless and until I signed it; thereby impairing My Constitutional Right to contract in coercing Me to autograph an instrument containing a criminal charge against cestui que trust entity [PASVIR VOLQUEZ] and fabricated fictitious address without My consent, in exchange My Liberty and freedom.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

237. Defendants during all of the events described hereinbefore, having knowledge of the facts and information, acted willfully, knowingly and with the specific intent to impair the protections, injure, and deprive My Human Rights and unalienable Rights to peacefully practice My religion unobstructed, to exercise the Substantive rights, interests, immunities and civil liberties secured by the National Constitution for the United States of America and the American common law and acts of the colonial and state legislatures of New York.
238. Thus, as a direct and proximate result of the acts, and by reason of the aforesaid constitutional deprivations perpetrated by Defendants herein, I (the real party aggrieved) was caused to suffer and sustained, *inter alia*, physical and psychological injuries, emotional distress, shame, embarrassment, fear, humiliation, frustration, extreme inconvenience, loss of free-hold possession of private property, anxiety, loss of personal Liberty, mental anguish, indignity, damage to reputation, and deprivation of Liberty and Constitutional Rights and Fundamental Interests.

VI. CONSTITUTIONAL TORT CLAIMS

AS AND FOR A FIRST CAUSE OF ACTION (Deprivation of Rights under 42 U.S.C. § 1983)

239. I repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "238" with the same force and effect as if fully set forth herein.
240. Defendants, by their conduct toward Me alleged hereinbefore, deprived My unalienable Rights to Liberty and pursuit of Happiness in prohibiting the free exercise of My religion, which at all times I must adhere to under Divine Covenant, the free egress and ingress to and from this state or any of the several States of the Union, and other Inherent/ Fundamental Rights, Interests, Privileges, Immunities and Constitutional Rights secured by the First, Fourth, and Fifth Amendments to the National Constitution and laws of the United States of America.
241. The acts complained of were carried out by the aforementioned individual Defendants in their capacities as police officers and/or while acting as agents of the city of New York, with the entire actual and/or apparent authority attendant thereto.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

242. Defendants, collectively and individually, while acting under color of state law, engaged in conduct that constituted a custom, usage, practice, procedure, or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.
243. The acts of complained of were carried out by the aforementioned individual Defendants in their capacities as police officers, pursuant to the customs, usages, practices, procedures and the rules of the CITY and the NYPD, all under the supervision of ranking officers of said department.
244. As a direct and proximate result of this unlawful course of conduct and aforementioned acts of Defendants, their agents, servants and employees carried out under the color of state law, I sustained the irreparable injuries and damages hereinbefore alleged.

AS AND FOR A SECOND CAUSE OF ACTION
(Deprivation of Rights under 42 U.S.C. § 1983;
False Detainment 42 U.S.C. §1983)

Against City and Individual defendants in their official capacity

245. I repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "244" with the same force and effect as if fully set forth herein.
246. In view of all the circumstances surrounding the foregoing incident geographically located at Latitude Longitude Coordinates: (40.684012, -73.950108) or (GPS Coordinates: 40° 41' 2.4432" N 73° 57' 0.3888" W) [directly in front of building: 270 Putnam Avenue, Brooklyn, NY, United States] on October 16, 2020, a reasonable person would have believed he was not free to leave from his encounter with Defendants P.O. LEBRON and P.O. LOPEZ.
247. The traffic stop performed by Defendants P.O. LEBRON and P.O. LOPEZ at Latitude Longitude Coordinates: (40.684012, -73.950108) or (GPS Coordinates: 40° 41' 2.4432" N 73° 57' 0.3888" W), "SOUTH WEST CORNER MARCY AVENUE & PUTNAM AVENUE" on October 16, 2020, was unwarranted.
248. Defendants did not have articulable reasonable suspicion or probable cause of a crime to stop My noncommercial conveyance, Arrest My living body, or seize My Private Property, due to the fact that no New York plate tabs or other Federal Government plate tabs were displayed or attached to

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

indicate My participation in commerce or VTL privileges.

249. Furthermore, I was not speeding or impeding traffic; I had not run a red light or Stop Sign; and I had not infringed on the safety, good order, comfort or general welfare of the community or public. I had not committed, was not committing, nor was I about to commit a crime, felony, or penal law misdemeanor infringing on the rights of another American Citizen, U.S. citizen, People, human being, inhabitant, natural person, humankind, or living breathing man or woman to reasonably justify a Fourth Amendment seizure of My international protected person, property, papers and effects, and arbitrarily infringe on My unalienable Rights, Birthrights, Fundamental Interests and other protected Constitutional Rights, civil liberties and interests to privacy, religious expression, personal freedom of movement, liberty to ingress and regress the several State of New-York, and to free-hold private property.
250. In view of all the circumstances surrounding the foregoing incident at the geographic Latitude Longitude: (40.684012, -73.950108) (40°41'02.5"N 73°57'00.5"W), ["SOUTH WEST CORNER MARCY AVENUE & PUTNAM AVENUE"] on C.E. October 16, 2020, including, but not limited to, deprivation of rights, religious obstruction, assault, kidnap, confiscation and conversion of My private property without authorization, just compensation, and proper due process of law; the assault and placement of My protected person into unlawful Arrest and undue punishment of incarceration in the CITY's NYPD 079 COMMAND jail cell, when Notice, facts and circumstances dispelled any suspicions or hunches, exceeded the permissible scope of any putative Terry stop, as well as made the actions of Defendants, not the least intrusive means reasonably available to verify or dispel any suspicion, hunch or assumption of criminal mischief afoot.
251. The detention, continued detention, assault, false arrest, kidnap and incarceration of Myself and internationally protected person (living body) by Defendants constituted an Arrest with arguable probable cause lacking consent and due process of law.
252. The actions undertaken by Defendants in (i) the assault and kidnap of My protected person, (ii) the unlawful confiscation and imprisonment of My living body and private property, and (iii) the appropriation of My consumer goods Automobile and private property from the location of

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

incident to the CITY's NYPD 079 COMMAND constitutes a deprivation of My substantive and protected Constitutional Rights to Liberty and Property. In conversion of My consumer goods Automobile for the benefit and public use to transport themselves to their principal place of business without My express Consent, Defendants deprived Me of just compensation, and to due process of law.

253. Defendants, while conspiring together and operating under color of state law, deprived Me of the substantive and protected Constitutional Rights, Fundamental Interests, Privileges and Immunities secured pursuant American Bill of Rights First, Fourth and Fifth Amendments to the organic Constitution, and are in violation of Sections One, Seven-a, Eleven, Twelve of Article One, New York Constitution.
254. Defendants, from the time I was assaulted and kidnapped (approximately 11:00 P.M.), to the time I stepped foot into My domicile of choice (approximately 3:51 A.M.), caused Me to suffer and unwillingly endure the undue punishment of imprisonment for approximately two hundred seventy (270) minutes.
255. As a direct and proximate result of the foregoing conduct of Defendants, I sustained the damages hereinbefore alleged and have suffered damages in the amount of two hundred ninety-three thousand two hundred twenty dollars (\$293,220.00) or \$1,086.00 per minute of detainment in silver dollar coin convertible at the legal and lawful ratio prescribed by law of 24 : 1 of Federal reserve notes to silver dollars per Defendant per violation or, at a minimum, I am entitled to nominal damages.

AS AND FOR A THIRD CAUSE OF ACTION
(Deprivation of Rights under 42 U.S.C. § 1983;
Wrongful Imprisonment under 42 U.S.C. §1983)

Against City and Individual defendants in their official capacity

256. I repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "255" with the same force and effect as if fully set forth herein.
257. Defendants CITY, P.O. LEBRON, and P.O. LOPEZ, willfully and unlawfully detained Me within a limited area, restricting the My Liberty and freedom of movement for an appreciable time, against My will and without basis or justification or My consent.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

258. In intentionally and unlawfully detaining and seizing Me, My living body and private property, Defendants acted in bad faith, deliberate indifference, and in a wanton or reckless manner with respect to My Inherent/ Fundamental/ unalienable Rights and protected Constitutional Rights, interests and property.
259. The wrongful, unjustifiable, and unlawful apprehension, detention, assault, kidnap and imprisonment of Me, enduring approximately two hundred seventy (270) minutes, was carried out without a valid warrant, without My consent, arguable probable cause, and without due process of law.
260. As a direct and proximate result of the foregoing conduct of Defendants, I sustained the damages hereinbefore alleged and have suffered damages in the amount of two hundred ninety-three thousand two hundred twenty dollars (\$293,220.00) or \$1,086.00 per minute of detainment in silver dollar coin convertible at the legal and lawful ratio prescribed by law of 24 : 1 of Federal reserve notes to silver dollars per Defendant per violation or, at a minimum, I am entitled to nominal damages.

AS AND FOR A FOURTH CAUSE OF ACTION
(Conspiracy against and Deprivation of rights under color of law
42 U.S.C. § 1983; 18 U.S.C. §§ 241 and 242)
Against City and Individual defendants in their official capacity

261. I repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "260" with the same force and effect as if fully set forth herein.
262. I allege against Defendants that such conduct breached the protections constitutionally guaranteed under the First, Fourth and Fifth Amendments to the Constitution, and the American common law and acts of the colonial and state legislatures of New York, Sections 1, 3, 6, 7(a), 8, 11 and 12 of Article I, New York Constitution, in violating the following equally protected rights and activities:
- a. The free exercise and enjoyment of religious profession and worship, without discrimination or preference; and
 - b. freedom from unreasonable searches, seizures, and interceptions of protected person and property; and
 - c. freedom from false Imprisonment, that being wrongfully

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

detained without good faith, reasonable suspicion, or legal justification; and

- d. freedom from deprivation of any of the rights or privileges secured to any citizen; and
- e. freedom from deprivation of life, liberty, or property without due process of law; and
- f. freedom from deprivation of private property taken for public use without just compensation; and
- g. freedom from discrimination in civil and human rights

263. At all times relevant to this Complaint, Defendants; acts are actionable for breach of duty in violation of their public oath of office pursuant to Section 1 of Article XIII, New York Constitution, for failing to support the constitution of the United States, and the constitution of the State of New-York, and not faithfully discharging the duties of their public office.

264. As a direct and proximate result of the foregoing conduct of Defendants, I sustained the damages hereinbefore alleged and have suffered damages in the amount of two hundred ninety-three thousand two hundred twenty dollars (\$293,220.00) or \$1,086.00 per minute of detainment in silver dollar coin convertible at the legal and lawful ratio prescribed by law of 24 : 1 of Federal reserve notes to silver dollars per Defendant per violation or, at a minimum, I am entitled to nominal damages.

AS AND FOR A FIFTH CAUSE OF ACTION
(Failure to Intervene under Federal Law
Neglect to prevent 42 U.S.C. § 1986)

265. I repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "264" with the same force and effect as if fully restated herein.

266. Defendants having knowledge that any of the wrongs conspired to be done, were about to be committed, and having power to prevent or aid in preventing the commission of the same, neglected and/or refused so to do.

267. Defendants that were present but did not actively participate in the aforementioned unlawful conduct observed such conduct, had an opportunity prevent such conduct, had a duty to intervene and prevent such conduct and failed to intervene.

268. Accordingly, the Defendants who failed to intervene violated the First,

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

Fourth and Fifth Amendments to the Constitution.

269. As a direct and proximate result of the foregoing conduct of Defendants, I sustained the damages hereinbefore alleged and have suffered damages in the amount of two hundred ninety-three thousand two hundred twenty dollars (\$293,220.00) or \$1,086.00 per minute of detainment in silver dollar coin convertible at the legal and lawful ratio prescribed by law of 24 : 1 of Federal reserve notes to silver dollars per Defendant per violation or, at a minimum, I am entitled to nominal damages.

AS AND FOR A SIXTH CAUSE OF ACTION

**(Kidnap of internationally protected person
under 42 U.S.C. § 1983; 18 U.S.C. § 1201(e)(3))**

Against City and Individual defendants in their official capacity

270. I repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "269" with the same force and effect as if fully restated herein.

271. "It is well established that a warrantless arrest without probable cause violates an individual's Constitutional Rights under the Fourth and Fourteenth Amendments." Therefore, having acknowledge of Notice and information given [see paragraph 75.] prior to the warrantless arrest with Arguable Probable Cause of My living body, Defendants violated My unalienable and Clearly Established Constitutional Rights and Fundamental Interests in knowingly depriving Me of the hereinbefore mentioned Rights.

272. As a direct and proximate result of the foregoing conduct of Defendants, I sustained the damages hereinbefore alleged and have suffered damages in the amount of two hundred ninety-three thousand two hundred twenty dollars (\$293,220.00) or \$1,086.00 per minute of detainment in silver dollar coin convertible at the legal and lawful ratio prescribed by law of 24 : 1 of Federal reserve notes to silver dollars per Defendant per violation or, at a minimum, I am entitled to nominal damages.

AS AND FOR A SEVENTH CAUSE OF ACTION

**(Invasion of Privacy and Fictitious address
42 U.S.C. § 1983; 18 U.S.C. §§ 241, 242, 1349 and 2724)**

Against City and Individual defendants in their official capacity

273. I repeat, reiterate and reallege each and every allegation contained in

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

paragraphs numbered "1" through "272" with the same force and effect as if fully restated herein.

274. Each and every individual Defendant acted negligently in aiding to deceptively prepare false physical evidence with a fictitious address to introduce into the record of official proceeding.
275. Defendants knowingly conspired in fabricating evidence not found on My protected person or in My private property to accuse the cestui que trust [PASVIR VOLQUEZ] with a charge and commence a baseless criminal action that was dismissed against it.
276. Defendants' acts deprived Me of the substantive and constitutionally-protected rights, civil liberties, and immunities guaranteed and/or secured under the First and Fourth Amendments to the Constitution, and Sections 1 and 12 of Article I, New York Constitution.
277. As a direct and proximate result of the foregoing conduct of Defendants, I sustained the damages hereinbefore alleged and have suffered damages in the amount of two hundred ninety-three thousand two hundred twenty dollars (\$293,220.00) or \$1,086.00 per minute of detainment in silver dollar coin convertible at the legal and lawful ratio prescribed by law of 24 : 1 of Federal reserve notes to silver dollars per Defendant per violation or, at a minimum, I am entitled to nominal damages.

AS AND FOR AN EIGHTH CAUSE OF ACTION
(Municipal Liability under Federal Law as to defendant CITY)

278. I repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "277" with the same force and effect as if fully restated herein.
279. Defendants, collectively and individually, while acting under color of state law, engaged in conduct that constituted a custom, usage, practice, procedure, or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.
280. The aforementioned customs, policies, usages, practices, procedures, and rules of the NYPD included, but were not limited to, police officers: failing to report misconduct of other officers; unlawfully searching individuals; and unlawfully seizing an individual's personal property.
281. In addition, the CITY engaged in a policy, custom, or practice of

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

inadequate screening, hiring, retaining, training, and supervising its employees that was the moving force behind the violation of plaintiff's rights as described herein. As a result of the failure of the CITY to properly recruit, screen, train, discipline, and supervise its officers, including the individual defendants, Defendant CITY has tacitly authorized, ratified, and has been deliberately indifferent to, the acts and conduct complained of herein.

282. The foregoing customs, policies, usages, practices, procedures, and rules of the CITY and the NYPD constituted deliberate indifference to the safety, well-being, and protected Constitutional Rights and Fundamental Interests.

283. The foregoing customs, policies, usages, practices, procedures, and rules of the CITY and the NYPD were the direct and proximate cause of the constitutional violations suffered by Me as alleged herein.

284. The foregoing customs, policies, usages, practices, procedures, and rules of the CITY and the NYPD were the moving force behind the constitutional violations suffered by Me as alleged herein.

285. As a result of the foregoing customs, policies, usages, practices, procedures, and rules of the CITY and NYPD, I have suffered deprivation of constitutionally secured rights and fundamental interests, religious obstruction, assault, kidnap, confiscation of free-hold/private property without just compensation, unlawful arrest with Arguable Probable Cause, and imprisonment without due process of law.

286. Defendants, collectively and individually, while acting under color of state law, were directly and actively involved in deprivation of unalienable Rights, protected Constitutional Rights, Fundamental Interests, Privileges Immunities, and Civil Liberties afforded to Me.

287. The conduct of Defendants P.O. LEBRON and P.O. LOPEZ, described hereinabove, also violated rights protected under Sections 1, 3, 6, 7(a), 8, 11 and 12 of Article I, New York Constitution, to not be deprived of any of the rights or privileges so secured, to My free exercise and enjoyment of religious profession and worship, without discrimination or preference, to not be compelled in any criminal case to be a witness against myself, to not have My Private property taken for public use without just compensation, to freely speak without restraint or abridgment of My liberty of speech, to

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

be denied the equal protection of the laws of this state or any subdivision thereof because of My race, color, creed or religion, nor be subjected to any discrimination in My civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state, to due process of law, and to be free from unreasonable searches and seizures.

288. The aforementioned customs, policies, usages, practices, procedures and rules of the City of New-York, NYPD and the VTL, include, but are not limited to the following unconstitutional practices of depriving Me Liberty of the following:

- a. free exercise and enjoyment of religious profession and worship, without discrimination or preference; and
- b. freedom from unreasonable searches, seizures, and interceptions of his person and property; and
- c. freedom from Arrest without probable cause of a crime; and
- d. freedom from use of force; and
- e. freedom from false Imprisonment, that being wrongfully detained without good faith, reasonable suspicion, or legal justification; and
- f. freedom from deprivation of any of the rights or privileges secured to any citizen; and
- g. freedom from deprivation of Life, Liberty, or Property without due process of law; and
- h. freedom from assault and kidnap; and
- i. freedom from deprivation of private property taken for public use without just compensation; and
- j. freedom from discrimination in civil and human rights,

289. As a result of the foregoing, I am entitled to permeannt injunction compensatory damages in an amount to be fixed by a jury and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorneys' fees, costs, and disbursements of this action.

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

AS AND FOR A NINTH CAUSE OF ACTION
(Respondeat Superior liability
under the laws of the State of New-York)

290. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "289" with the same force and effect as if fully set forth herein.
291. Defendant City of New York is vicariously liable for the acts of its employees and agents, including its officers, who were on duty and acting in the scope of their employment when they engaged in the wrongful conduct described herein.
292. As a result of the foregoing, I am entitled to compensatory damages in amount to be fixed by a jury and is further entitled to punitive damages against the individual defendants in an amount to be fixed by a jury, plus reasonable attorney's fees, costs and disbursements of this action, and permanent injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, I respectfully demand that the Court enter judgment in My favor and pray for the following relief, jointly and severally, against the defendants:

- a. Remedy in equity as permanent injunctive relief to Plaintiff against enforcement of void statutes or ordinances of the Vehicle and Traffic Law, where legal remedy is not as complete or adequate as injunction, or where threatened or attempted enforcement will do irreparable injury to My internationally protected person in interfering with exercise of common fundamental personal right. By "irreparable injury" is meant an injury of such a nature that fair and reasonable redress may not be had in a court of law and that to refuse the injunction would be a denial of justice; and
- b. Award compensatory damages against Defendants individually in their official capacities in the compensatory amount total of \$879,660 (eight hundred seventy-nine thousand six hundred sixty), or \$1,086 (one thousand eighty-six dollars) per each minute of Detention, in silver dollar coin convertible at the legal and lawful ratio prescribed by law of 24 : 1 of Federal reserve notes to

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

- silver dollars per Defendant per deprivation or violation; and
- c. Grant punitive damages against the individual Defendants in an amount to be determined at trial; and
 - d. Award Plaintiff attorney fees and costs pursuant to 42 U.S.C. §1988; and
 - e. Grant any other relief to which Plaintiff may be entitled in law or in equity as this Court deems just and proper.

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.

Current (updated) address and mailing location

Case-related papers may be served at:

P. Volquez-El
1447 Macombs road, 1F
Bronx County, N.Y., near [ZIP CODE EXEMPT]
Continental United States, North-America
[DMM 602.1.3.e.2, 18 U.S.C. § 1342]
Email: V112358@PROTONMAIL.COM

Furthermore, 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.

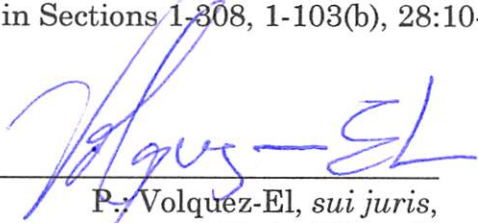
Respectfully submitted,

“without prejudice”

Certified mail no. 7018 1130 0002 1467 3194
Return receipt no. 9590 9402 4755 8344 1288 09

I hereunto set My hand and seal this 15th day of the 7 Month, C.E. Two thousand Twenty-one. I declare (certify, verify, and state) under penalty of perjury under the laws of the United States of America (28 U.S.C. §1746(1)) that the foregoing is true and correct; All Rights Reserved without Prejudice, without Recourse, and as said in Sections 1-308, 1-103(b), 28:10-103 and 28:10-104 of the Uniform Commercial Code.

Autograph By: _____



P. Volquez-El, *sui juris*,
Plaintiff Pro Se

Affiant, Peaceful Civilian,
International Protected Person,
Holder-In-Due-Course,
All Rights Reserved

Proper mailing location:

In Care Of: P. Volquez-El, # 1F
1447 Macombs road
Bronx County, New York,
[near Zip Code EXEMPT]
Continental United States
(DMM 602.1.3.e.2, 18 U.S.C. § 1342)

Email: V112358@protonmail.com

JURAT

Bronx County)
) Scilicet
New York)

As an officer of the court, I the Notary hereto this Complaint for Injunctive Relief and Damages, duly depose, that the person executing this document that; P. Volquez-El is personally known to Me or has presented sufficient evidence to establish his lawful identity & status; I accept same as evidence of the facts presented, I depose nothing more; executed by My signature & Seal, as authorized under My Commission. P. Volquez-El executed the foregoing document on this 15 day of the 7 Month, in the year C.E. Two thousand Twenty-one.

 Seal
Notary Public Signature
My Commission Expires 09/18/2021

HERMAN RYMER
Notary Public, State of New York
Reg. No. 01RY5049462
Qualified in New York County
Commission Expires 09/18/2021