

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

UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

for the

2021 FEB -5 P 2:29

Southern District of Georgia

Division

CLERK  
SO. DIST. OF GA.

Case No.

CV121-020

(to be filled in by the Clerk's Office)

Brian D. Swanson

Plaintiff(s)

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

-v-

Jury Trial: (check one)  Yes  No

State of Georgia

Defendant(s)

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

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

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

Name	Brian D. Swanson
Street Address	1805 Prince George Ave
City and County	Evans, Columbia
State and Zip Code	Ga, 30809
Telephone Number	(831)601-0116
E-mail Address	swansons6@hotmail.com

**B. The Defendant(s)**

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

Defendant No. 1

Name	<u>The State of Georgia</u>
Job or Title ( <i>if known</i> )	<u>Christopher M. Carr , Attorney General for the State of Georgia</u>
Street Address	<u>40 Capitol Square, SW</u>
City and County	<u>Atlanta</u>
State and Zip Code	<u>GA 30334</u>
Telephone Number	<u>(404) 657-8733</u>
E-mail Address ( <i>if known</i> )	<u></u>

Defendant No. 2

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

Defendant No. 3

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

Defendant No. 4

Name	<u></u>
Job or Title ( <i>if known</i> )	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>

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E-mail Address *(if known)* \_\_\_\_\_**II. Basis for Jurisdiction**

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

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

- Federal question                       Diversity of citizenship

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

**A. If the Basis for Jurisdiction Is a Federal Question**

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

US Constitution Article 1, Section 3  
US Constitution Article 5  
Seventeenth Amendment

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

## 1. The Plaintiff(s)

## a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

## b. If the plaintiff is a corporation

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

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

## 2. The Defendant(s)

## a. If the defendant is an individual

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

b. If the defendant is a corporation

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

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

3. The Amount in Controversy

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

\$0.00

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### III. Statement of Claim

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

The recent election of Jon Ossoff and Raphael Warnock to the United States Senate, and certified by the Georgia Secretary of State on January 19, 2021, is unconstitutional and void.

The State of Georgia cannot impose upon the Plaintiff the State's constitutional duty to select the State's United States Senators. The Plaintiff has no constitutional authority to choose the State of Georgia's United States Senators. The State of Georgia has asked the Plaintiff to violate the Constitution and to do something that he has no authority to do.

Statement of facts:

Article 1, section 3 states that the Senate is "chosen by the legislature thereof," not by a popular election.

Article 5 states that, "no State, without its consent, shall be deprived of its equal suffrage in the Senate."

"State" in Article 5 means "state legislature," the state government or the State in its political capacity. It does not mean a geographic location.

The State of Georgia did not ratify the Seventeenth Amendment and therefore it did not consent to be deprived of its equal suffrage in the Senate. If the State of Georgia loses all of its suffrage then it has certainly lost its equal suffrage.

According to the Constitution, the people are represented in the House of Representatives.

According to the Constitution, the States, meaning the state legislatures, the state governments, are represented in the Senate. But, if the people elect the Senate, then the people are represented in the Senate and the State has lost all of its suffrage in the Senate. That cannot happen without the State's consent.

This dispute will be decided by the meaning of the word "State" in Article 5 of the Constitution.

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#### **IV. Relief**

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

The Plaintiff respectfully requests that this court provide the following relief:

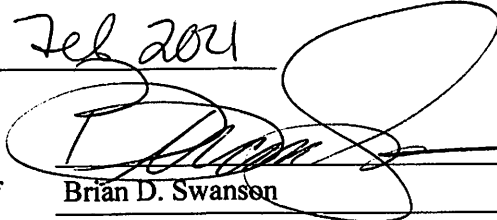
- 1) Order that the election of Jon Ossoff and Raphael Warnock to the United States Senate is unconstitutional and void.
  - 2) Order the Georgia State Legislature to immediately choose two Senators to represent the State in accordance with the U.S. Constitution.
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**V. Certification and Closing**

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

**A. For Parties Without an Attorney**

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

Date of signing: 5 Feb 2021  
Signature of Plaintiff   
Printed Name of Plaintiff Brian D. Swanson

**B. For Attorneys**

Date of signing: \_\_\_\_\_  
Signature of Attorney \_\_\_\_\_  
Printed Name of Attorney \_\_\_\_\_  
Bar Number \_\_\_\_\_  
Name of Law Firm \_\_\_\_\_  
Street Address \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_