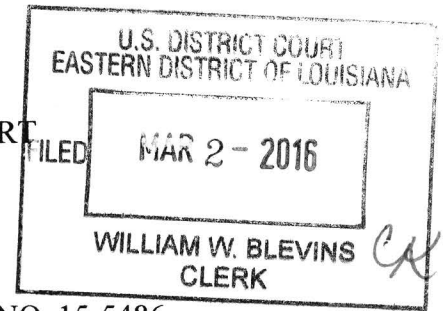


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA



JOHNNY DUNCAN

CIVIL ACTION NO. 15-5486

VERSUS

SECTION: "B"; MAGISTRATE "1"

STATE OF LOUISIANA *ET AL*

JURY DEMANDED

Plaintiff's Opposition to Defendants Tangipahoa Parish Clerk of Court Julian DuFreche and
Tangipahoa Parish Clerk of Court Office's Motion to Dismiss

Comes now into Court dark-skin African American male to opposed Defendant
Tangipahoa Parish Motion to Dismiss on the following basis:

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MAR 2 2016

1.

U.S. DISTRICT COURT
Eastern District of Louisiana
Deputy Clerk

Plaintiff Johnny Duncan adopts by reference all applicable defenses, laches and arguments
offered in his previous opposition to defendant's motion to dismiss because the pertinent fact that
has not changed that defendants denied plaintiff the right to vote on October 24, 2015;

2.

Plaintiff is an African American Male, whose complexion is darker than that of Voting
Commissioner Patricia Hughes-Sims who denied him the right to vote;

Fee _____
Process _____
☒ Dktd _____
CtRmDep _____
Doc. No. _____

3.

The law was “*clearly established*” and “*well-settled*” that plaintiff had the right to vote on October 24, 2015;

4.

Defendants Tangipahoa Parish Clerk of Court Julian DuFreche, Tangipahoa Parish Clerk of Court Office, Secretary of State Tom Schedler, Louisiana Secretary of State Office, Tangipahoa Parish Registrar of Voters John Russell and Tangipahoa Parish Registrar of Voters held voting commissioner training sessions for Voting Commissioner Patricia Hughes-Sims who denied plaintiff the right to vote on October 24, 2015;

5.

Defendants Tangipahoa Parish Clerk of Court Julian DuFreche did appoint a member of the Tangipahoa Parish Board of Election Supervisors who approved the selection of Voting Commissioner Patricia Hughes-Sims, who denied plaintiff the right to vote on October 24, 2015;

6.

The training provided by Defendants Tangipahoa Parish Clerk of Court Julian DuFreche and Tangipahoa Parish Clerk of Court Office, Secretary of State Tom Schedler, Louisiana Secretary of State Office, Tangipahoa Parish Registrar of Voters John Russell and Tangipahoa Parish Registrar of Voters Office did not prevent Voting Commissioner Patricia Hughes-Sims from denying plaintiff the right to vote on October 24, 2015;

7.

Upon information and belief, Defendants Tangipahoa Parish Clerk of Court Julian DuFreche and Tangipahoa Parish Clerk of Court Office work with Defendants Secretary of State Tom Schedler, Louisiana Secretary of State Office, Tangipahoa Parish Registrar of Voters John Russell and Tangipahoa Parish Registrar of Voters Office did participate in session with each other and with Voting Commissioner Patricia Hughes-Sims regarding the duties of a voting commissioner;

8.

Defendants Tangipahoa Parish Clerk of Court Julian DuFreche and Tangipahoa Parish Clerk of Court Office cannot claim clean hands when they sat idly by and did not prevent Voting Commissioner Patricia Hughes-Sims from denying plaintiff the right to vote on October 24, 2015;

9.

Defendant Julian DuFreche served chairman of the Tangipahoa Parish Board of Election Supervisors making him their *de facto* employer and the one to who any and all election problems were reported. The voting commissioners took their guidance and instruction from Defendant Clerk of Court Julian DuFreche and Defendant Clerk of Court Office, who coordinated their activities with the other defendants;

10.

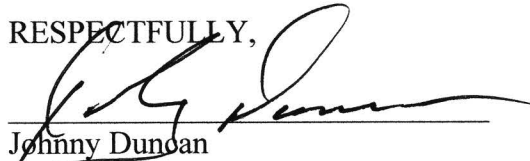
There is *prima facie* evidence that plaintiff is an African American Male, whose complexion is darker than that of voting commissioner Patricia Hughes-Sims. It stands to reason that plaintiff could not have been denied the right to vote because he was a white male. It is not

plaintiff's burden to prove why defendant denied him the right to vote, because only the perpetrator has that answer;

For all the above reasons, informed African American Male Plaintiff Johnny Duncan implores this Great Court to deny Defendants' Motion to Dismiss.

Done this the 29th Day of February 2016 at Amite, Louisiana.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read 'Johnny Duncan', is written over a horizontal line.

Johnny Duncan
Plaintiff, *In Proper Person*
309 South Third Street
Post Office Box 723
Amite, Louisiana 70422

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOHNNY DUNCAN

CIVIL ACTION NO. 15-5486

VERSUS

SECTION: "B"; MAGISTRATE "1"

STATE OF LOUISIANA *ET AL*

JURY DEMANDED

Memorandum in Support of Plaintiff's Opposition to Defendants Tangipahoa Parish Clerk of Court Julian DuFreche and Tangipahoa Parish Clerk of Court Office's Motion to Dismiss

May it please the Court:

In order to save the Court's time, Plaintiff adopts by reference the relevant arguments proffered in his previous Plaintiff's Opposition to Defendants Tangipahoa Parish Clerk of Court Julian DuFreche and Tangipahoa Parish Clerk of Court Office's Motion to Dismiss. The gravamen of the issue is that the law was "*clearly established*" and "*well-settled*" enough on October 24, 2015 that Voting Commissioner Patricia Hughes-Sims knew or should have known that it was illegal for her to deny plaintiff the right to vote. I should think that in this day and age that the right to suffrage is under the protection of the Court. And, rather than trying to hide behind legalities, defendants should be attempting to fix the problem which has caused this miscarriage of justice.

Done this the 29th Day of February 2016, at Amite, Louisiana.

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MAR 2 2016

U.S. DISTRICT COURT
Eastern District of Louisiana
Deputy Clerk

RESPECTFULLY,



Johnny Duncan

Plaintiff, *In Proper Person*

309 South Third Street

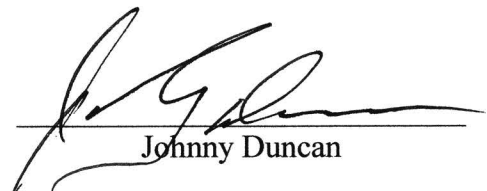
Post Office Box 723

Amite, Louisiana 70422

CERTIFICATE OF SERVICE

This is to certify that on this the 29th Day of February 2016, a true and correct copy of the foregoing PLAINTIFF'S OPPOSITION TO DEFENDANT TANGIPAHOA PARISH CLERK OF COURT JULIAN DUFRECHE AND TANGIPAHOA PARISH CLERK OF COURT OFFICE MOTION TO DISMISS and MEMORANDUM IN SUPPORT were placed in the United States Mail and forwarded to Defendant through counsel at the following address:

Thomas Huval/Stefini W. Salles
532 East Boston Street
Covington, Louisiana 70433



Johnny Duncan

Johnny Dunez
P.O. Box 773
Amite, LA 70422

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