

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

FEB 03 2016

JAMES W. MCGORMACK, CLERK
By: *John Thompson* DEPT. CLERK

DAVID LIBRACE, INDIVIDUALLY,)
AND/OR AS (B) CLASS)
REPRESENTATIVE AND/OR)
BEHALF OF ALL ELIGIBLE)
ARKANSAS AND NOTIONALLY)
UNITED STATES REGISTERED (C))
ELIGIBLE AND/OR QUALIFIED)
VOTERS FOR VOTING IN THE 2016)
FIFTY STATE ELECTION)
PRIMARIES AND IN THE)
NOVEMBER 8, 2016 GENERAL)
PRESIDENTIAL AND VICE)
PRESIDENT 2016 ELECTIONS)

.....Plaintiffs)

V.)

MARK MARTIN, in is official)
capacity as Secretary of State)
for the State of Arkansas,)
REPUBLICAN PARTY OF)
ARKANSAS EXECUTIVE)
COMMITTEE, SENATOR TED CRUZ)
OF TEXAS, SENATOR MARCO)
RUBIO, OF FLORIDA)

.....Defendants)

Civil Action: 4:16-cv-00057 BSM/JTR

NO JURY

This case assigned to District Judge MILLER
and Magistrate Judge RAY

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiffs, David Librace, Individually and/or as (b) Class Representative and/or (c) on behalf of all eligible and Qualified Voters for Voting in: (1) all 50 State Caucus and Primaries in 2016; (2) the 2016 Arkansas Primary elections; and (3) General National 2016 Electoral Presidential and Vice President election on

November 8, 2016.

Plaintiff. As Party Plaintiffs files this Civil Action based upon this Court (1) original 28 USC § 1331 subject matter jurisdiction; (2) the standing of the parties hereinafter in this case and controversy now ripe for decision; and (3) all parties fall under jurisdiction of this court. Out of the veritable deluge of public opinions on this issue a majority presently appear to agree that American citizens may agree that while Defendant Senator Rubio and Senator Cruz are not a natural born citizen, they may be eligible. Regrettably a majority of American citizens, including constitutional scholars, may disagree with. As with questions of a woman's right to choose upon pregnancy to have that child; or same sex marriages but at least five Justices of the Supreme Court must decide the issues not on a popular consensus. The U.S. Constitution is not a popularity document for fair weather only. The first Chief Justice John Jay was equivocal in his informal contemporaneous writing but his first Supreme Court never ruled on it because it was never presented. Justice Storey in 1833 for the Supreme Court did not rule on it. It is now.

I. DECLARATORY JUDGMENT

This procedural Declaratory Judgment prays for an declaratory Judgment of the (1) status (2) qualification and (3) eligibility or ineligibility of defendants for election to the office of the President and Vice President of the United States under Article II, Section, Clause as original enacted and adopted and ratified by the requisite number of then thirteen states and not amended or repealed to date.

This is an action in equity, seeking a judgment regarding the the eligibility regarding the eligibility for the federal office of President of the United States of Senator Ted Cruz and Senator Marco Rubio, who have been placed on the March 1, 2016 Republican Presidential Preference Primary ballot by the Secretary of State of Arkansas Mark Martin; The Secretary of State shall prepare and publish a list a list of names no later on the first Tuesday after November 9, 2015 of the year proceeding the presidential preference primary, and for an injunction on their candidacy in the Republican Presidential Primary in the State of Arkansas. Plaintiff asserts that these two candidates are naturalized citizens, or at the very least, simply fail to comply with common law Supreme Court mandatory-prohibitory self-executing federal provision that "no person, except a natural

born Citizen, or a citizen of the United States, at the time of the ratification of this Constitution shall be eligible for the office of President." (*Art. 2 s. 1 c. 5*) Eligible means, "As applied to a candidate for an elective office, this term means capable of being chosen; the subject of selection or choice; and also implies competency to hold the office if chosen." (Black's Law Dictionary, free online, 2nd ed.)

By performing the ministerial duty of placing Mr. Rubio and Mr. Cruz on the primary ballot, at the behest of the Republican party of Arkansas, the Secretary has made them "eligible", and capable of being elected, in violation of Article 2 of the United States Constitution. Plaintiff seeks a declaratory judgment based on that ministerial duty.

This action is necessary because the Legislature of Arkansas has abandoned the eligibility requirements for the office of President and has, with precise precision, divested the Secretary of State and any and all meaningful ministerial duty with respect to the eligibility requirements for the highest office in the land. As such the Legislature and the Secretary have failed to uphold their oath of office, to support the Constitution of the United States.

As a result, the Legislature's unreasonable, irrational, and invalid enactment, as followed by the Secretary of State, has invited fraud on the voters of Arkansas, and a transfer of the people's political power and privilege of the appointment of electors of an "eligible" candidate, to the political parties. Now all that is required for a candidate to be capable of being chosen (eligible) is for the political parties is to make a list and give that list to the Secretary of State, and then placed on the ballot without question.

Plaintiff's right to vote will be diluted, debased, and desecrated by the presence of Mr. Rubio and Mr. Cruz on the Arkansas ballot. The Republican Presidential Primary will feature two ineligible candidates, placed on the ballot, by the Secretary of State, on behalf of the Republican Party of Arkansas Executive Committee. The Constitutional eligibility of Senator Marco Rubio and Senator Ted Cruz must be adjudicated as soon as possible to prevent Constitutional travesty. A possible disenfranchisement of the voters of Arkansas looms if one of these candidates were to win and be challenged by another candidate or an elector eligible to vote in an open primary. "A citizen's right to a vote free of arbitrary impairment by state action has been judicially recognized as a right secured by the Constitution when such impairment resulted from dilution by a false tally." *United*

States v. Classic, 313 U.S. 299, *Baker v. Carr*, 369 U.S. 186, 208 (1962), and see also, it must be remembered that "the right of suffrage can be denied by a debasement or dilution of the wight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise. "*Reynolds v. Sims*, 377 U.S. 533, 555 (1964).

II. ORIGINAL SUBJECT MATTER JURISDICTION

This Court has original subject matter jurisdiction, per 28 U.S.C. § 1331. This is a ripe case and controversy arising under the Constitution of the United States as adopted in 1787, Article II, Section 1, Clause 5 provides:

"....No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President...." (all emphases are added throughout unless by the Courts or authors).

The 'natural born citizen' Constitution requirement has never been defined or determined by the U.S. Supreme Court, nor has it ever been amended or repealed as prescribed by the U.S. Constitution.

It is also refereed to as the "Presidential Qualifications Clause" the above cited is part of which is popularly known as the "Natural Born Citizen Clause," Plaintiff seeks (a) declaratory judgment per (b) Federal Rules of Civil Procedure (FRCP) 57 and (c) The Declaratory Judgment Act 28 U.S.C. § 2201. Neither of these Rules or Statues further expands this Court's above original subject matter jurisdiction. See e.g. *Medtronics, Inc. v. Mirowski Family Ventures, LLC*, 134 S. Ct. 843, 848 (2014) and earlier U.S. Supreme Court case cited decided 2009, 1960, and 1937 respectfully and still adopted per FRCP 10(c).

The Naturalization Act of 1790 was rescinded shortly thereafter by Congress and is no effect to this decision as has been suggested or may be argued by Senator Cruz and Senator Rubio.:

The Naturalization Act of 1790 "...An Act to Establish a Uniform Rule on Naturalization' which provided 'the children of citizens of the United States, that may be born beyond the sea, or out of the limits of the United States, shall be considered as natural born citizens..." (Lawrence B Solum, 207 Mich. L. Rev. First Impression 22)

8 U.S.C. §1401, Nationals and citizens of the United States at birth:

"...(d) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of the outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is national, but not a citizen of the United States..."

(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years...."

And see 8 U.S.C. § 1431 (a)(1)(2)(3) (1952 as amended as to all three above 1952 statutes and 8 U.S.C. § 1433(1)(2)(A)(B) and (3).

III. PARTIES AND STANDING AND DISCLOSURES PER F.R. CIV.P.26

This suit is filed pro-se and pro bono. An expedited accelerated decision by the Supreme Court is necessary. This Court, on the conflicting sustained authorities can readily define is especially aided by Defendant, a constitutional scholar, friend of the Court (amici) and its law clerk.

Defendant Marco Rubio was born in Miami, Florida to parents who were non-American and on VISA's. No other person has sought the Office of President in which the party claims to be a natural born citizen even though his parents were not citizens at the time of his birth. Mr. Rubio has published a book and spoke to the public which he embellished his family history. The Republican Party Executive Committee has the responsibility to ensure each candidate they file to be placed on the Arkansas Ballot, and the other 49 states, has met the qualifications and/or requirements of 'natural born' citizen.

Defendant Ted Cruz a/k/a Rafael Edward Cruz was and is neither natural born or native born U.S. Citizen at the time of his birth is Rafael Edward Cruz in Canada in 1970. Defendant's mother on information and belief subject confirmation was (a) a natural born U.S. Citizen born in Delaware, United States of America; and (b) at the time of

Defendant's birth in Canada in 1970 unless it is found that she renounced her U.S. Citizenship. His father was born (pre 1959 Castro) in the nation of Cuba and later became a naturalized United States citizens.

Defendant Ted Cruz a/k/a Rafael Edward Cruz (name at birth) and Marco Rubio are being sued in the individual capacity. The Arkansas Secretary of State Mark Martin and The Arkansas Republican Executive Committee as their official capacity.

IV. VENUE

Venue lies in this Court due the the Defendants Ted Cruz and Marco Rubio are one the Arkansas Ballot for the primary taken place March 1, 2016.

V. CAUSES OF ACTION DECLARATORY JUDGMENT

Per above 28 U.S.C. Section § 1331 and 28 U.S.C. § 2201 and/or FRCP 57, Plaintiff seeks a declaratory judgment and declaratory relief and judgment that as a matter of law that Defendants Ted Cruz and Marco Rubio (1) was not at their birth's in 1970; and (2) is not now a "natural born" citizen; and (3) therefore ineligible to be elected, or serve as President or Vice-President of the United States or be certified by the requisite vote of the Electoral College both as required by the United States Constitution.

VI. RIPENESS

It is undisputed that this is an actual case and controversy between the parties and is presently ripe for a declaratory judgment, inter alia, because Defendant Cruz and Rubio now are the top 2 or 3 Republican contenders in the latest published unofficial December, 2015 CNBC, Wall Street Journal, and Gallop national polls.

A final ruling, decision and judgment herein will decide and resolve above all of the uncertainties, status and eligibility of Defendant Cruz and Defendant Rubio and recognize the substantial present speculation uncertainties in the electorate as to their eligibility and/or conducting a futile election. The Federal Election Commission (FEC) does not have either original exclusive or present subject matter jurisdiction of this dispute at this

stage. All public factors and private factors undisputedly predominate and weigh in favor of this District and Division Court per *Gulf Oil Corp v. Gilbert*, 330 U.S. 501 (1947) and its genre.

VIII.

NO RECORD IS REQUIRED FOR THIS INCLUDING NO DISCOVERY

Per FRCP 26(b) it is represented that no discovery is needed beyond the above undisputed and documented. (1) Marco Rubio proof of citizenship (2) Marco Rubio parents application for citizenship (3) Ted Cruz Birth Certificate (4) Ted Cruz father application for citizenship (5) Ted Cruz mother birth in the State of Delaware, vital birth and citizenship records for the Court and court of Appeals and the U. S. Supreme Court to determine this pure question of Constitutional law. No motions for summary judgment per FRCP 56 and/or Rule 12(b) motions are necessary. As the Supreme Court noted in its above seminal cases of: (1) *U.S. V. Wong Kim Ark* 169 U.S. 649,704,705, (1898) all of the discrete, relevant facts of the were agreed to by the parties; (2) the same way decisions *Roe v. Wade* (1973), U.S. Decision without discovery or any record even after re-argument in reaching a decision on January 22, 1973 as to those complex medical, ethical facts in uncertain still developing constitutional grounds applicable and supporting that seminal one decision.

Defendant Ted Cruz, Marco Rubio, and the Republican Party Executive Committee should have initiated this Declaratory Judgment himself especially now with their eligibility being questioned from so many diverse sources by opponents and the American citizens. They have a standing to do so.

Courts have held that the Federal Declaratory Judgment Act 28 U.S.C. § 2201 to 2202 is "...mirrored and functional equivalent to Rule 57..." See *Ernest & Young v. Depositors Economic Protection Corp.*, 45 F.3d 530, 534 n. 8 (Fed Cir.. 1995).

Neither Rule 57 nor 28 U.S.C. §2201, ante, the Federal Declaratory Judgment Act expand this Court's jurisdiction. They provide a declaratory remedy in cases such as this are properly brought into federal court. See *Vanden v. Discover Bank*, 56 U.S. 49, 79 n. 19, 129 S.Ct. 1262, 1278 (2009); *Shilling v. Rogers*, 363 U.S. 666, 677, 80 S.Ct. 1288, 1295 (1960); *Aetna Life Ins. Co. Of Hartford, Conn v. Haworth*, 300 U.S. 227, 240, 57 S.

Ct. 461, 463, (1937); *Baicker-McKee, Id.* At pp. 1208, 1215 (2016). Defendants could have brought the action themselves to either confirm or dent their eligibility..

**REQUIRED DISCLOSURES PER FCRP 26(A)-(D), AND
(b)(c)(d) and (g) INCLUSIVELY**

The above Rule 26(a)(1)(A)-(D), (b)(c),(d) and (g) can all be readily complied with in expediting this time to meed the above urgent deadlines on March 1, 2016 until November 8, 2016. The above facts are uncontested by the parties by agreement and/or stipulation of the above law discrete relevant facts necessary for this case to be decided.

I. The only necessary facts of certified records include the above (1) Marco Rubio proof of citizenship (2) Marco Rubio parents application for citizenship (3) Ted Cruz Birth Certificate (4) Ted Cruz father application for citizenship (5) Ted Cruz mother birth in the State of Delaware, vital birth and citizenship records for the Court, (6) the reasons why Ted Cruz renounced his Canadian dual citizenship about 2014.

II. No claim is made for any monetary or economic damages, nor even for any attorneys' fees for cost even if allowable, if any prevailing party whether by statue and/or Court's discretion. This is filed pro se and pro bono with no tax deduction being taken for cost paid or time.

III. The declaratory judgment and related requested relief sought herein in disqualifying Defendant Rubio and Defendant Cruz, if the Republican nominees and/or as an independent candidate from (a) appearing on the 50 state federal election ballots of all 50 federally conducted elections for the office of President and/or Vice-president of the United States on November 8, 2016 (b) listed on the 50 states primaries election taking place from February 1, 2016 through the general elections.

IV. Rule 26 Diligence. None are applicable, in the interest of expediting this action. Plaintiff makes the above disclosures early on at the onset. Not without requiring for up to 14 days after the parties FRCP Rule 26(f) conference unless a different tile is stipulated to by the parties and/or by this Court's order. None was in *Roe v. Wade* ante, under a far more complex questions, medical, ethical, biological and privacy and disputed applicable constitutional bases. The sole issue here is question of law not fact.


V. Proper certification of all the above 50 states elections in order to avoid futile

election or defeat of Senator Cruz or Senator Rubio on November 8, 2016 and either one being certified by the Electoral College on or before January 20, 2016.

WHEREFORE, Plaintiff prays for a Declaratory Judgment holding that Defendant Ted Cruz and/or Defendant Marco Rubio are not constitutionally eligible to be elected President and/or Vice President of the United States. No monetary damages are involved and no claim for recovery of attorney fees or cost made. Plaintiff prays for accelerated expedited decision for all above stated reasons.

Dated this 28th day of January, 2016


Respectfully submitted,


David Librace, Pro-se
203 South 7th Street
West Helena, Arkansas 72390
(786) 342-4032
dlibrace@yahoo.com

CERTIFICATE OF SERVICE

I do hereby certify that on the date set forth below, I have served a copy of the foregoing via first class mail to A J Kelly, Deputy Secretary of State, Post Office Box 251570, Little Rock, Arkansas 72225-1570, L. Justin Tate, Associate General Counsel, Martha Adock, General Counsel, Secretary of State, Suite 256- State Capitol, 500 Woodlane Avenue, Little Rock, Arkansas 72201, Ted Cruz 3333 Allen Parkway, Unit 1906, Houston, Harris County, Texas 77019 (residence), Ted Cruz 808 Travis, Suite 1420, Houston, Harris County, Texas 77002, Marco Rubio 6060 SW 13th Court, West Miami, Dade County, Florida 33144-5714 (residence) Marco Rubio, 8669 NW 36th Street, Suite 110, Doral, Dade County, Florida 33166, and the Republican Party of Arkansas, 1201 West 6th Street, Little Rock, Arkansas 72201.

Dated this 28th day of January, 2016.


David Librace, Pro-se
203 South 7th Street
West Helena, Arkansas 72342
(786) 342-4032
dlibrace@yahoo.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

David Librace

DEFENDANTS

Mark Martin, Secretary of State Arkansas, Republican Party Executive Committee of Arkansas, Senator Ted Cruz, Senator Marco Rubio

(b) County of Residence of First Listed Plaintiff **Phillips County**
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **Benton**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro-se
203 South 7th Street West Helena AR 72390 (786) 342-4032

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC Paragraph 1331

Brief description of cause:
Declaratory Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____