

FILED

OCT 29 2018

UNITED STATES DISTRICT COURT

AT LONDON  
ROBERT R. CARR  
CLERK U.S. DISTRICT COURT

EASTERN DISTRICT OF KENTUCKY

DERIC LOSTUTTER,

Plaintiff,

vs.

COMMONWEALTH OF KENTUCKY,

Defendant

Case No.:

6:18-cv-277-KKC

**COMPLAINT AND MOTION FOR  
IMMEDIATE TEMPORARY AND  
PERMANENT INJUNCTIVE RELIEF**

**COMES NOW PLAINTIFF**, appearing *pro se*, and complaining of Defendant, Commonwealth of Kentucky ("Defendant"), hereby alleges and states as follows:

1. Plaintiff is a citizen of Kentucky, over the age of eighteen (18) years, and has a mailing address of 26 Saylor Street, Manchester, Kentucky, 40962;
2. Defendant is a governmental entity, who's representative has a mailing address of 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601;
3. Jurisdiction is proper under 28 U.S. Code § 1343 for violations of 42 U.S. Code § 1985(3);
4. Jurisdiction is proper under 28 U.S. Code § 1346 because a governmental entity is a Defendant;
5. Jurisdiction is proper under 28 U.S. Code § 1331 as the allegations herein allege and ask a federal question or federal questions;
6. Venue is proper in the Eastern District of Kentucky because the injuries and actions suffered as a result of the allegations and claims set forth herein occurred and are continuing to occur within the Commonwealth of Kentucky;

7. According to the Brennan Center for Justice at the New York University School of Law, more than 243,000 Kentuckians are unable to cast a ballot due to a felony conviction — nearly 181,000 of which have already completed their sentences;
8. More than 22 percent of African-American voters are disenfranchised at the polls — one of the highest rates in the country and three times the national rate;
9. Kentucky Revised Statute §196.045 is a statute that outlines the restoration of civil liberties, including without limitation, voting rights for felons who are citizens of the Commonwealth of Kentucky;
10. Kentucky Revised Statute §196.045 is a statute that was enacted after current Governor of the Commonwealth of Kentucky, Matt Bevin, repealed an Executive Order which allowed automatic restoration of voting rights of all non-violent felony offenders;
11. Normally, the right to vote for American citizens is guaranteed by the United States Constitution, without need for application to the Federal Government;
12. Kentucky is one of three (3) states which allow for permanent voter disenfranchisement;
13. Kentucky's felony disenfranchisement prevents one in every four African-Americans from voting in Kentucky elections;
14. As of 2017, The League of Women Voters reports that more than three-hundred-thousand (300,000) Kentuckians are barred from voting due to a felony conviction;
15. Seventy-eight (78) percent of Kentuckians who have completed their felony conviction sentences are unable to vote in Kentucky elections;
16. Upon his first year in office, Governor Matt Bevin denied every single application for restoration of voter rights filed in the Commonwealth of Kentucky by felons seeking to have their rights to vote restored;

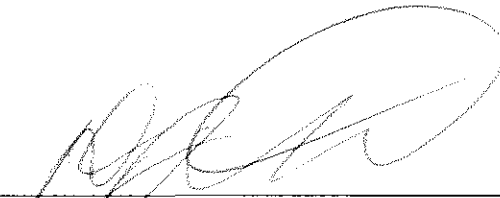
17. One (1) in every eleven (11) citizens in Kentucky are ineligible to vote because of voter disenfranchisement in the Commonwealth of Kentucky;
18. Kentucky's application process to restore civil rights, including the right to vote, costs applicants money to file the application;
19. Kentucky's application process to restore civil rights, including the right to vote, is not guaranteed to restore voter's rights and instead, approval is left up to the discretion of the sitting Governor;
20. Kentucky Revised Statute §196.045 violates the Fourteenth Amendment of the United States Constitution;
21. Kentucky Revised Statute §196.045 Violates the Fifth Amendment of the United States Constitution;
22. Kentucky Revised Statute §196.045 is racially discriminatory;
23. Kentucky Revised Statute §196.045 is unconstitutional, and unfairly tips the scales of equality in the democratic voting process;
24. Kentucky Revised Statute §196.045 should be modified and/or repealed;
25. Restoration of non-violent felony offender's voting rights should be restored automatically upon completion of the offender's sentence of conviction at no cost;

**WHEREFORE**, Plaintiff, Deric Lostutter, *pro se*, respectfully requests the Court to grant the following relief:

1. Trial by jury on all issues;
2. Immediate and temporary injunctive relief enabling all non-violent felony offenders the right to vote in Kentucky elections;
3. Repeal of Kentucky Revised Statute §196.045;

4. If repeal is not appropriate, modification of Kentucky Revised Statute §196.045;
5. Permanent injunctive relief enabling all non-violent felony offenders who have completed their sentence of conviction the right to vote in Kentucky elections; and
6. Any and other relief this Court deems just and proper.

Dated this 26<sup>th</sup> of October, 2018.



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Plaintiff *pro se*  
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