

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES

Amy Charron, §

Plaintiff, §

§

§

V §

§

KENNETH TROOST, §

in his individual and official capacity § Civil Case no: 4:17-cv-3618

CITY OF HOUSTON §

ART ACEVEDO, §

in his individual and official Capacity §

SYLVESTER TURNER §

in his individual and official Capacity §

AND UN NAMED DEFENDANTS §

JOHN DOE 1-5 AND JANE DOE 1-5

FILED
SEP 18 2018
David J. Bradley, Clerk of Court

PLAINTIFFS SECOND AMENDED COMPLAINT

Plaintiff Amy Charron (a flesh and blood individual) a PEOPLE of the United States comes to the Federal Court to redress her injuries and pleads they spread their wings of protection over her as their mandatory duty and sworn oath of office to uphold the U.S. Constitution Art VI and restore her liberties by enforcing the law, and commence action to empanel a jury trial to be the fact finder for right to legal redress for injuries and conspired wrongs against Plaintiff Charron which have been a long series of 9+ years of unending retaliatory governmental abuse.

Plaintiff has no nobility, nor esteemed name, nor grandiose position in life, she is merely a humble, law-loving, hardworking PEOPLE, mother, with good standing values and morals. Plaintiff is a faithful friend and servant to her fellow mankind.

She knows she has no power to stop the officials who have abused her, thus she invokes the law as the PEOPLE of this United States have been empowered to enforce law against these defendants who have violated the law.

Plaintiff claims her rights under the Constitution to grant her all legal relief necessary to restore her life, her liberty, her property, her good name and reputation, in the Texas State Court in Harris County who have exercised governmental power in unlawful ways to gain money in unlawful self-enrichment schemes which is a continual pattern and practice of Harris County.

PARTIES

Plaintiff Amy Charron is a flesh and blood individual, a PEOPLE defined in the preamble to the Constitution, Plaintiff was a resident of Harris County Texas when complained of events happened.

Defendant CITY OF HOUSTON, is sued for their unconstitutional policies for endorsing policy-makers actions which are unconstitutional and illegal policies of City of Houston, The Mayor has been served and is liable for the Municipal ordinances though unwritten are widely accepted practices of police misconduct . *Monell v. New York City Department of Social Services*, 436 U.S. 658 (1978). See *Los Angeles County v. Humphries*, 131 S. Ct. 447 (2010) (Monell's requirement that municipality's policy or custom cause deprivation in order to impose liability on municipality applies in cases seeking prospective injunctive relief as well as damages). Cities although exercising a slice of State power are not immune in Civil Rights actions in Federal Court for practices and policies that violate the USC Bill of Rights Houston is within the Southern Courts jurisdiction.

Defendant KENNETH TROOST, Texas licensed police officer. who works and lives in the Southern District Federal Courts jurisdiction. He has been served and has appeared pro se.

Defendant **SYLVESTER TURNER** is Mayor of Houston an official policy maker who is responsible for police policies and practices of the Houston Police force lives and works in the Southern District He has been served and has appeared through counsel.

Defendant **ART ACEVEDO** is Chief of Police for City of Houston and is an official policy maker for the Houston Police Department who works and lived in the Southern District Federal Courts jurisdiction when the complained of events occurred He has been served and has appeared through counsel.

STANDING AND JURISDICTION

This Court has subject matter jurisdiction pursuant to **28 U.S.C. §§ 1331 Article III 28 U.S.C. § 1331 (2006)**. The statute reads, “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” The statute was enacted in 1875. Act of Mar. 3, 1875, ch. 137, 18 Stat. 2 **28 U.S.C. § 1331**; U.S. CONST. Art. III. Article III, section 2, provides nine different categories to which federal judicial power extends, including “all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority.”U.S. CONST. art. III, § 2, cl. 2. and **1343** gives the Federal court original jurisdiction over Federal questions because this is a suit arising under the constitution and laws of the United States and to recover damages for injury for acts done in furtherance of any conspiracy mentioned in section **1985** of **Title 42**, including **42 U.S.C. §§ 1983**.

This Court has supplemental jurisdiction to consider Plaintiff’s state law claims pursuant to **28 U.S.C. § 1367(a)**.

Article III gives plaintiff standing to challenge the exclusion of Plaintiff from her biological child which her family unit integrity has been denied for over 9+ years now under the Establishment Clause of the 1st Amendment.

Plaintiff's interest in being united with her children is sufficiently concrete and particularized for of basis for an **Article III** Injury in fact see *Kerry v Din*, 576 U.S. ____ (2015) Justice Breyer wrote an opinion in which he noted "there is a fundamental liberty for a spouse to live together and raise a family which raises basic due process protections."

28 USC 1357 this court has jurisdiction for injuries under Federal Law. In 1990, Congress enacted the supplemental jurisdiction statute, when applicable, these doctrines permitted the federal court to take jurisdiction over state law claims over which there was no independent basis of jurisdiction so long as they were anchored to a claim in the action over which federal jurisdiction is appropriate.

28 U.S.C. § 2201 can provide equitable relief under the Declaratory Judgment Act, and civil remedies for personal injuries **18 USC 2255** and **28 USC 2337** and **2338** gives exclusive Federal Jurisdiction over suits against government officials.

42 USC 1988(a) for the protection of all persons in applicability of statutory vindication of remedies, punishment of offenses of the law and common law. provides the jurisdiction in civil and criminal matters conferred on the district courts by provisions of titles 13, 24, and 70 of revised statutes for the protection of all persons in the United States in their civil rights, and for their vindication shall be exercised and enforced with conformity with the laws of the United States so far as such laws are suitable to carry the same into effect but all cases where they provides a legal remedy in Federal Court to furnish suitable remedies and punish offenses against the law, the common law.

42 U.S.C 1988(b) Attorney's fees- In any action or proceeding to enforce a provision of sections **1981, 1981(a), 1985, 1986**, and **Title IX** and **20 USC 1681 (42 USC 2000bb** et seq and the **Institutionalized persons Act of 2000 (42U.S.C. 2000 cc** et seq, **Title VI** of the civil rights act of 1964 (**42 USC 2000d** et seq)

section **42 USC 13981** the provision of the **violence against Women Act** that creates a private right of action for victims of gender-motivated violence is a valid exercise of congresses power

under the commerce clause of the constitution. This codified law congress allows the prevailing party, and include attorney's fees when a judge acts in excess of such officers jurisdiction.

28 USC 4105 allows for attorney's fees to enforce the judgment if such party prevails in an action.

Venue is proper in the Southern District of Texas pursuant to **28 U.S.C. § 1391(b)** because the official oppression and other events complained of herein occurred in this district and division.

This Court has personal jurisdiction over the defendants because they each work, conduct business, and/or reside in the Southern District of Texas. **28 USC 1357** for injuries sustained under federal law.

The Southern District has jurisdiction **28 USC 1605A** Plaintiff has been a victim of criminal activity.

The Southern District has jurisdiction **28 USC 517** The United States has an interest in this pending suit.

Federal Southern District Court has exclusive Jurisdiction over International Treaties defined Under the **28 USC 509B** Human Rights enforcement act of 2009 which prohibits genocide, torture, unfair trials.

Federal Southern District Court and prohibiting free speech and prohibiting freedom of religion and **18 USC 247** prohibits Obstruction of free exercise of religion.

This Court has jurisdiction under **28 USC 2403** to challenge the constitutionality of a State and/or Federal Statute.

This Court of Record has jurisdiction under **42 U.S.C. 1981** to allow a Plaintiff to make allows claims under common law.

This Court of Record has jurisdiction under **28 USC 1738A** and **28 USC 1738B** to grant full faith and credit to final and binding child custody determinations and child support determinations that were established under a private contract laws.

Southern District Federal Court has jurisdictions under **28 USC 1443** in civil rights cases allowing a Plaintiff who cannot enforce a right in the courts of such State a right under any law providing for equal civil rights of the citizens of the United States.

Fed. R. Civ. P. 8(a)(1). "Plaintiffs do not need to cite the statutory basis of federal court jurisdiction as long as they plead sufficient facts to establish jurisdiction." *See Andrus v. Charlestone Stone Products Company*, 436 U.S. 604, 608 n.6 (1978)

The Spending Clause of the United States Constitution provides: Nothing prohibits Southern Federal court from jurisdiction of this **18 USC 245 (b)** enjoyment of federally funded program or facility. And has jurisdiction over **18 USC 245 (e)** benefitting from a federally funded program. **18 USC 246** Whoever directly or indirectly deprives, attempts to deprive, or threatens to deprive any person of any employment, work, compensation or other benefit provided for in whole or in part shall be fined under this titled or imprisoned not more than one year or both, **18 USC 247**

18 USC 2337 provides suits against government officials. **18 USC 2338** provides exclusive federal jurisdiction of suits against government officials under the **False Claim Act** .

Under **28 U.S.C. § 2201** can provide equitable relief under the Declaratory Judgment Act, and civil remedies for personal injuries **18 USC 2255** and **28 USC 2337** and **2338** gives exclusive Federal Jurisdiction over suits against government officials.

DEFENDANTS UNDER COLOR OF LAW

Plaintiff brings this civil rights lawsuit pursuant to **42 USC 1983** to redress the deprivation of Plaintiffs civil rights by Defendants, at all times herein *acting under color of law*, of the rights secured to Plaintiff under the 14th Amendment Under the United States Constitution Defendants willfully knowingly and intentionally violated Federally protected rights including the 1,

2,4,5,6,7,8,13th Amendments which are guaranteed to Plaintiff. Jurisdiction is conferred on this Court by **28 USC 1343(a)(3) and (a)(4)** which provide for original jurisdiction in this Court of Record for all suits in controversy brought pursuant to **42 USC 1983**. The Legislative codified Statute 42 USC § 1983 is designed to provide a remedy when a state statute itself abridges constitutional rights, when a remedy under state law is inadequate to protect constitutional rights, and when a state remedy, though adequate in theory, is unavailable in practice. See e. g., *Monroe v. Pape*, 365 U. S. 167, 173-174 (1961).

There has never been any acceptance of Municipalities having any immunities in Federal Court for Civil Rights violations for the municipal policies that are unconstitutional yet endorsed by omission or commission of Municipal policy makers.

JURY DEMAND

PLAINTIFF Demands a Jury trial. The Constitution 5th Amendment due process 6th Amendment right to trial by jury, 14th Amendment due process and equal protections clause. Plaintiff comes to the Federal Court trial by jury to be the fact-finder under **Tex Const 1.15**. (jury trial guaranteed to every Texas Resident in civil cases) **Tex Govt Code 51.604** and **Tex Rules of Civ Pro 216** and **Fed Rules of Civil Procedures 38**.

42 USC 1983 THE EXPRESS EXCEPTION TO ANIT INJUNCTION STATUTE

Mitchum v Foster, 407 U.S. 225 (1972) recognized 42 USC 1983 is an explicit exception to anti-injunction statute.” The very purpose of 1983 is to interpose the federal courts between the states and the people, as guardians of the people’s federal rights to protect the people from unconstitutional action under color of law, whether that action be executive, legislative, or judicial. “ *Pulliam v Allen Supreme Court of the united States decided May 14, 1984*.

The A-I Act permits federal courts to enjoin state court proceedings only when there is express statutory authority in other federal law. *Mitchum v. Foster*, 407 U.S. 225, 236-38, 92 S. Ct 2151,

2159-60 (1972) this requirement is met under **42 USC 1983** actions the requirement is met when an act of congress has created a specific and unique federal right or remedy enforceable in a federal court of equity that could be frustrated if the federal court were not empowered to enjoin a state court proceeding. **Id at 237, 92 S. Ct at 2159.**

The anti-injunction does not apply when the United states or one of its agencies seeks an injunction in federal court to prevent frustration of superior federal interests or to protect national interests. ***NLRB v Nash-Finch Co, 404 U.S. 138, 146-47, 92 S. Ct 373, 378-79 (1971) Leiter Minerals, Inc. v U.S. 352 U.S. 220, 225-26, 77 S. Ct 287, 290-91 (1957)*** The essence of civil liberty consists in the right of every individual to claim protection of the laws” ***Marbury v Madison, 5 US 137, (1803)*** It is by now well established that access to the courts is protected by the First Amendment right to petition for redress of grievances.” ***Wilson v. Thompson, 593 F.2d 1375, 1387 (5th Cir. 1979)***

BRIEF BACK GROUND FACTS

On January XX, 2007 (covered for privacy reasons) Plaintiff gave birth to her first and only biological child M.L.C., (a daughter) named as co-Plaintiff in this suit.

Plaintiff has a legal right to represent her own biological child in this suit. Plaintiff has the right to sue on behalf of herself to redress the harm done by Defendants.

Plaintiff, Amy Charron, is a survivor of long term Lymes Disease and a painful rare auto-immune disorder and despite all obstacles plaintiff graduated on the National Deans list from University of Texas. Plaintiff was told due to her medical history she could not get pregnant and yet became a loving single mother at 39 years old to her only child, M.L.C. Plaintiff had been employed by Christian Dior and other make- up jobs as a freelance artist going back to approximately 20 years from the time she gave birth to her beloved child. Plaintiff also worked as a well- known make- up artist and taught as a talent agent for Mayo Hill modeling agency. Plaintiff held two jobs at one point for several years by working at M.D. Anderson in the cancer recovery unit as an employee and volunteer and teaching at Mayo Hill. Plaintiff applied make-

up on the terminally ill for several years which was mentally challenging and a job that other make-up artist didn't want due to the depressing element of the duties. Plaintiff did numerous projects as a volunteer worked in the community to serve the homeless in Houston, community help building homes for low income families and volunteered in nursing homes serving the elderly with make-overs and pet-therapy. Plaintiff also worked with numerous local Texas agencies and in the Washington DC area helping non-profit organizations as a volunteer. Plaintiff spoke out to shelters as well against drugs and alcohol and was proud to be a person who never turned to drugs and rarely drank alcohol. Plaintiff had no criminal record and was well known for helping others in need due to their poor past decisions.

FALSE CLAIMS TO CPS

Plaintiff had a rather successful good life except for her long battle for better health and estranged and complicated relationships with two family members. In 2009 a person told the Kingwood police and CPS that Plaintiff had a mental disability when in fact plaintiff had suffered approximately 20 years from Lyme's disease which is often misunderstood. For example, Lyme's disease causes severe insomnia which may appear as mental illness to doctors and witnesses. Note that plaintiff was misdiagnosed for almost 20 years causing false allegations by CPS and the accusers in reference to her past health challenges and struggles. A false report by a government agencies such as CPS or provided to one by fraudulent claims is a criminal act see **Tex Pen Code 37.08** The police found no merit to the unnamed person's claim and refused to take action against plaintiff by a mental commitment or by contacting CPS.

In 2009, CPS filed false allegations against Plaintiff that were made by outside sources that plaintiff had wanted an estranged relationship with. Despite the mental charges were dismissed in a psychiatric court case 295197 on the 27th day of March 2009, CPS continued to go forward with court hearings. The CPS case 30499909 was ruled out in 2009 by CPS investigator, Debra Mayo, who later mysteriously vanished after she told plaintiff CPS workers were angry at her for the dismissal. Debra Mayo told plaintiff that CPS workers were basically conspiring against her by wanting her fired for making her decision. The investigator never appeared in court as requested by her lawyer and was never seen or spoken to again. This unlawfully allowed CPS to target plaintiff by viciously cruel and unlawful intentions with unjust measures to terminate the

rights of a loving innocent mother. The dismissal had occurred after an extensive meeting the plaintiff, witnesses including her paternal grandmother had with the Debra Mayo. CPS case workers on the contrary would not return witnesses calls or the plaintiff's calls. CPS case worker mentally abused plaintiff and would not review all her solid evidence. Plaintiff was now being treated like a felon who IN ACTUALALITY HAD NO PRIOR RECORD AT ALL and a new case was put together against her on fraudulent claims. Their actions were criminal and grossly retaliatory over plaintiff going to Texas higher ups regarding their unlawful actions and speaking with the media. Plaintiff had ever reason to seek lawful help and never expected police retaliations for many upcoming years. Plaintiff had been highly respected by many in her community until CPS destroyed her life with character assassinations and fraud which caused her to become a evidenced based targeted individual by governmental agencies, elected officials and police departments. Most of the injustices regarding plaintiff from 2009 until 2018 has been retaliations in nature over her very public (including social media attention, radio interviews and tv appearances) fight for her daughter and justice.

HOW CPS CAME INTO PLAINTIFFS AND HER CHILD'S LIFE

On March 15, 2009 approximately 10:00am. Plaintiffs (42 years old at the time and her minor daughter was 2 years old). Plaintiff went to the Doctor for unknown skin disorders and mysterious symptoms the Allergist referred Plaintiff to the emergency room. The emergency room was located at Saint Luke's Hospital 6624 Fannin St, Houston TX.

Plaintiff had her daughter (M.L.C.) with her at the doctor's office that day. Approximately an hour later. Plaintiff's daughter (2 years old at the time) soiled her diaper. The doctors staff whisked the Daughter away and offered to change the dirty-diaper. The staff refused to let Plaintiff (the mother) change her own baby's diaper.

Plaintiff thought the action of the staff was bizarre, but she trusted the staff due to the medical profession and assumed they would bring the daughter right back after the diaper change.

The Nurse never returned with Plaintiff's 2 year old daughter. Plaintiff calmly, and continually asked "*when will the nurse bring my daughter back?*"

Approximately 10-11 hours later around midnight the daughter was still not returned to Plaintiff.

Plaintiff became more and more worried that something criminal was amiss.

A nurse stated "*we have given your daughter to someone else.*"

MEDICAL DOCTOR CONSPIRING CHILD SEIZURE

Plaintiff became more worried that this doctor with a Medical License was acting in concert with the false accusers in this child *seizure scheme*. Plaintiffs extreme shock that a Doctor involved in conspired kidnapping scheme with. The hospital would not speak to plaintiff's paternal grandmother who was her sole ER contact. Shockingly, the staff ignored all her grandmother's calls and spoke to another family member who at the time plaintiff was fighting with and not an ER contact. Plaintiff became frantic as any natural loving mother would, that something illegal had just taken place with a doctor's endorsement.

Plaintiff was scared for her and her child's life and safety, she then asked doctors staff for an attorney.

The Hospital staff that day treated Plaintiff as a prisoner and held her against her will an on-staff Nurse stated clearly "*your daughter is now where she belongs...*and stated the person's name. This same person was the one who had continually called CPS in an act of fraud to gain custody of Plaintiff's 2 year old daughter.

Plaintiff was tied to a table with fabric strap/rags and was struck with abject fear at the intentional seizure of the doctors office staff. Plaintiff had never been accused of child abuse of her 2 year old Plaintiff has no criminal record, no alcohol or drug abuse. She was a loving mother raising her daughter in a lovely gated community in Houston.

Even though Plaintiff's 2 year child had no bruises, scratches or marks nor ever had such the child was living in a happy healthy nurturing home. Yet her daughter was taken through a premeditated conspired scheme to kidnap Plaintiffs child. **Tex Fam Code 262.104** only allows the removal of children from their parents if there is articulable evidence that provides reasonable cause that the child(ren) are in immediate danger of abuse. See also *Gates v Tex. Dept of Protective & Regulatory*, 537 F. 3d 404 (5th cir 2008) *see also Wallis v Spencer*, 202 F 3d 1126, 1138 (9th cir) "the State official must believe that a child might be injured in the "few hours" it would take to obtain a warrant." See *Anderson Francois v County of Somona*, 415 F. Appx 6, 21 (9th cir 2011) "Officials cannot lawfully remove a child absent information at the time of the seizure that establishes "reasonable cause to believe that the child is in imminent danger of serious bodily injury and the scope of the intrusion is reasonably necessary to avert the specific injury." Se *Mabe v San Bernardino County*, 237 F. 3d 1101, 1106 (9th cir 2001) *Troxel v Granville*, 530 U.S. 57, 68,69;120 S. Ct 2054; 147 L. Ed 2d 49 (2000) "A parent is constitutionally entitled to a hearing on his/her fitness before his/her children are removed from his/her custody." See *Stanley v Illinois*, 405 U.S. 645; 92 S. Ct 1208; 31 L Ed 2d 551 (1972) note *Stanley* , 405 US at 658 "a Due-process violation occurs when a state required breakup of a natural family is founded solely on a best interest analysis that is not supported by the requisite proof of parental unfitness." See *In re JK*, 468 Mich 202, 210, 661 N.W. 2d 216 (2003)

There had been no CPS visits to Plaintiffs home. Plaintiff owned a lovely well-decorated home in a safe gated subdivision.

Plaintiff was then injected at the Hospital with a syringe against her will and transferred by the police with force to another city which she did not live. Coincidentally in Kingwood, Texas where once officer Kenneth Troost resided. Important to keep in mind that Kenneth Troost was arrested for his actions in 2016 against plaintiff. The Houston Police Department put Plaintiff in a deputy's car and put her in a Mental Institution in **Kingwood Pines** facility 2001 Ladbrook Dr. Kingwood TX 77339.

Kingwood Pines staff has a history of sexual assault on minors during a psychiatric evaluation a suit was filed against them Dr Fernando Torres and counselor Yolanda Basset in 2010, and rape allegations of additional minors in were file in 2015 and 2018. Kingwood Pines is also defending themselves in 2011 accused of abusing patients and issuing harmful medications and failing to keep accurate and complete records 2012.

Plaintiff found herself in this unsavory environment and was injected with medication against her will from the Kingwood Pines facility staff by the same Dr Fernando Torres. Plaintiff was resisting the medications and allergic to the prescription named Haldol which the Kingwood Pines staff Doctor forced upon her which resulted in vomiting and rash reactions. Yet, doctor Torres told Plaintiff she would not be released unless she took her medicines. She resisted telling the Doctor the medicines were making her sick, he did not care and injected her anyway the medications given to her caused seizures and made Plaintiff look as if she had a mental disorder.

The Kingwood Pines facility is within walking distance Plaintiff's false accusers were routinely seen in the Doctors office speaking to the Kingwood staff. The illegal schemed took unified agreement among these 3 or more persons and took, planning and forethought.

Plaintiff was kept in the illegal conditions of cruel confinement and held against her will for over 10 days in violation of Plaintiffs 4th and 8th 14th Amendment rights to be free in her liberty from criminals conspiring against her in an criminal seizure for-profit scheme to conspired with Dr Torres to deprive Plaintiff of equal protections of the law.

The statutory definition of the term combination as cited in *Nguyen v State* 1 S.W. 3d 694, 695, 96 (Tex Crim App. 1999) in defining organized criminal activity. In *Ex Parte Chaddock*, 369 S.W. 3d 880,889 (Tex Crim App 2012) "the gravamen of the organized crime offense is the additional harm and danger to the public of having the members of a criminal organization working together to commit crimes on an ongoing basis 18 USC 1962-1968 also show a clearly established law to prevent Racketeering and Corrupt organized criminal actions."

CHILD RELATE HEARING IN THE COURT OF LAW

March 27, 2009 a hearing was held by psychiatric judge who looked at facts and dismissed the accusations that Plaintiff had any mental disability. The bogus mental accusations against Plaintiff were dismissed as stated above. What right did CPS have to go forward with a mental health accusation to take her only child away if claims had been already dismissed in court. Plaintiff was told by the hospital staff that court hearings took place without plaintiff present to defend herself. Plaintiff was all dressed up in a suit on one occasion due to being told the police would pick her up and take her to court. The police never arrived and the hospital ignored all her concerns on what the reasoning was. After all this was her only chance to speak for herself against any false allegations and put an end to what would end up causing many crimes including retaliations against plaintiff. . As unlawful as this appeared to plaintiff, witnesses, supporters and friends, plaintiff was released by doctor Fernandes since psychiatric charges were dismissed by a judge. Her doctor announced that Plaintiff was now free retrieve her daughter but little did plaintiff know a police officer waits to stop her from doing what she was told to do. Plaintiff had no idea that this officer is Kenneth Troost who is the same officer who falsely arrested plaintiff in Nov of 2018.

The Doctor gave Plaintiff a specific time-released injection. The doctor complied with this 3rd party's demands against Plaintiffs wishes. Plaintiff's false accusers were aware of Plaintiffs extreme allergic reactions and acted as if they were in charge of the Medical Doctor as the puppeteer of the Doctor.

POLICE MISCONDUCT ABUSE OF POWER

Plaintiff while in route to retrieve her daughter from the temporary and traveling by car was stopped by Police officer Defendant Kenneth Troost.

Plaintiff asked Defendant officer Troost what reason she had been pulled over, she had not broken the law. The officer had pulled her over in parking lot of Carraba's grill 750 Kingwood Dr. Kingwood Tx 77339. Plaintiff stated she was headed to retrieve her 2 year old daughter who

had been temporarily taken captive and held in unconstitutional conditions against the child and mothers will.

Officer Kenneth Troost acted as if he knew of the situation, he asked no questions but sternly announced that “*she should turn around and never return to Kingwood.*” Troost never gave a reason for his bizarre traffic stop, he accused her of no traffic infraction. He simply acted in concert with a State endorsed kidnapping scheme furthered the child seizure of the stole 2 year old daughter taken from Plaintiff.

Troost ordered Plaintiff “*not return to the City of Kingwood.*” Plaintiff has protections under both Texas and Federal law that guarantee her liberty interest to be secure in her persons against unreasonable searches or seizures *Terry v Ohio 392 U.S. 1, 19 n 16 88 s. Ct 1868 20 L. Ed 2d 889 (1968)* a new opinion *LR v School Dist of Philadelphia 236.*

When Plaintiff inquired further concerning his bizarre instructions, Kenneth Troost acted as if he knew the child kidnappers and announced if she returned “*she might go missing.*” This terroristic threat scared Plaintiff and she feared for her life and safety.

Plaintiff went to an attorney to help her navigate through the tangled-mess of the illegal child seizure scheme of the kidnappers who were acting in concert with State officer Troost. The attorney hired a legal assistant who reported with the plaintiff police misconduct to a kingwood police officer. Legal assistant, Lorri Grabowski, invested a great deal of her time to validate plaintiff’s disturbing story. Plaintiff put together a detailed timeline to show facts and proof of conspiring acts and the suspicious activity of officer Troost. The assistant aided Plaintiff in filing the detailed timeline of facts against officer Troost and his illegal actions in the traffic detention and terroristic threat. The police department refused to investigate but claimed it would be put in their system.

This State endorsed invasion of Plaintiffs parent child relationship was invaded without probable cause and without exigent circumstances.

This scheme started in 2009 and has been ongoing and unending for 9 years with no relief to Plaintiff of her fundamental liberty interest to have and raise her child in the loving bonds between mother and daughter.

This right protected and guaranteed by the U.S. Constitution 1st 4th 5th and 14th Amendments and Common law. It has also long been established that the "*most essential basic aspect of familial privacy- the right of the family to remain together without the coercive interference of the awesome power of the State*" see *Wooley v. City of Baton Rouge*, 211 F.3d 913, 921 (5th Cir. 2000).

Plaintiff's parental right stems from the liberty protected by the Due Process Clause of the Fourteenth Amendment. *See, e. g., Meyer v. Nebraska*, 262 U. S. 390, 399, 401 (1923); *Pierce v. Society of Sisters*, 268 U. S. 510, 534-535 (1925); *Prince v. Massachusetts*, 321 U. S. 158, 166 (1944); *Stanley v. Illinois*, 405 U. S. 645, 651-652 (1972); *Wisconsin v. Yoder*, 406 U. S. 205, 232-233 (1972); *Santosky v. Kramer*, 455 U. S. 745, 753— 754 (1982). *Troxel v Granville*, 530 U.S. 57, 68,69;120 S. Ct 2054; 147 L. Ed 2d 49 (2000) *A parent is constitutionally entitled to a hearing on his/her fitness before his/her children are removed from his/her custody. See Stanley v Illinois*, 405 U.S. 645; 92 S. Ct 1208; 31 L Ed 2d 551 (1972) *note Stanley* , 405 US at 658 " *a Due-process violation occurs when a state required breakup of a natural family is founded solely on a best interest analysis that is not supported by the requisite proof of parental unfitness.*" *See In re JK*, 468 Mich 202, 210, 661 N.W. 2d 216 (2003)

It is unconstitutional if the deprivation of such an interest without due process of law." *Zinerman v. Burch*, 494 U.S. 113, 125, 110 S.Ct. 975, 108 L.Ed.2d 100 (1990). A government decision depriving an individual of his right to "*life, liberty or property*" must, at a minimum, be preceded by notice and an opportunity for the individual to be heard. *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S.Ct. 652, 94 L.Ed. 865 (1950). And in this case Plaintiff was not even present at initial hearings where the wealthy couple were the only parties present, meeting with the judge, this was defined as an ex parte hearing.

Defendants acted in unified agreement to deprive her of her fundamental liberty interest **Tex Fam Code 262.104** only allows the removal of children from their parents if there is articulable evidence that provides reasonable cause that the child(ren) are in immediate danger of abuse.

Plaintiff was never adjudicated an unfit parent nor was there any abuse or neglect and there was no immediate danger. See *Gates v Tex. Dept of Protective & Regulatory*, 537 F. 3d 404 (5th cir 2008) see also *Wallis v Spencer*, 202 F 3d 1126, 1138 (9th cir) the State official must believe that a child might be injured in the “few hours” it would take to obtain a warrant. See *Anderson-Francois v County of Somona*, 415 F. Appx 6, 21 (9th cir 2011)

Plaintiff brings suit to the Federal Court because all State agencies have blocked her rights to redress her grievances and her only hope if Federal Court for relief.

Officials cannot lawfully remove a child absent information at the time of the seizure that establishes “reasonable cause to believe that the child is in imminent danger of serious bodily injury and the scope of the intrusion is reasonably necessary to avert the specific injury. See *Mabe v San Bernardino County*, 237 F. 3d 1101, 1106 (9th cir 2001) These issues were clearly established in the circuit at the time of M.L.C.’s (the minor child’s) illegal seizure of persons contrary to the 4th and 14th Amendment.

The wealthy kidnapping couple are close friends with Governor Rick Perry at the time and Rick Perry was known and many public articles written about his notorious Cronyism. Rick Perry knew the wealthy couple who used their influence with a high state official to gain any advantage in stealing a child that wasn’t theirs.

The warrantless arrest and warrantless seizure of the child M.L.C. is a felony kidnapping forbidden to interfere with child custody **Tex Pen Code 25.03** and **25.031** this is prohibited conduct and clearly established law at the time. Defendants cannot claim Federal Qualified Immunity while acting under color of State law that violates Federal law.

DEFENDANTS CONSPIRED TO DEPRIVE PLAINTIFF

Plaintiffs parental rights were terminated approximately 6 months later in a hearing by Judge Pat Shelton who held a hearing at 1200 Congress Ave, Houston Texas 77002 the 313 District Court room yet Plaintiff was never adjudicated an unfit parent (a procedural misstep) nor was Plaintiff found abuse or neglect her child.

Plaintiff was not allowed to provide evidence in the court that day. Judge Pat Shelton stopped testimony of numerous witnesses who tried to put on evidence of Plaintiff being a safe, nurturing and loving mother. Plaintiffs attorney challenged and objected to the Judges actions. Yet Shelton over-ruled her every time. Seemingly Judge Shelton in a Texas endorsed scheme had clearly been incentivized by the wealthy couple in a backdoor, under the table bribe to side with the wealthy couple in quid pro quo scheme.

Judge Shelton was cited in many articles in the local Houston Paper for improper use of Tax paying money and accepting bribes in juvenile court. In 1999 Houston Chronicle Newspaper wrote an article citing Judge Shelton jumping down from the bench and acting as an arresting officer in his court-room.

October 19, 2011 The Houston Chronicle Newspaper ran an article concerning Judge Pat Shelton calling him a *divisive former judge as widely criticized through the years for stepping on parental rights and running a kind of , adoption express*” out of his Court room. His long series of abuse on families is endorsed by Texas even when it is violative of Federal law.

THE LAW CONCERNING CHILD SEIZURES

It is a well-known pattern and practice of Texas, its Counties, and Cities who endorses judicial misconduct and Texas officials included Ken Paxton and Greg Abbott well aware of the Fraud of depriving parents of their children. The United States has an interest in this suit and has been added as a Plaintiff. The PEOPLE of the United States have the right to make sure their tax payer dollars are not used in the commission of criminal acts, ie kidnapping.

USCS **Article VI** makes judges duty bound to uphold the constitution and Tex Constitution 16.1 a judge swears to uphold the Texas constitution in writing. **Canon 2A** “*a judge must uphold the law at all times.*” Yet Judge Shelton followed no rule of law acted without jurisdiction.

Plaintiff expected justice in a Texas Court yet she was defrauded of her biological child given to her as a gift from the Creator the living God see **Psalms 127** of The HOLY BIBLE.

Yet Judge Shelton acted in bad faith with malice and forethought as a common criminal violation of State see **Tex Pen Code 20.03** and federal law **18 USC 241 and 242**. Criminal acts are not protected by any immunities. Criminal acts are not judicial acts when Pat Shelton adopted Plaintiff's child out to the wealthy kidnapping Couple without Plaintiff being an unfit parent he committed a criminal act forbidden by Texas law (this is the exception to any immunity doctrines).

The right to due process was clearly established at the time of Shelton's conduct ***Pearson v. Callahan, 555 U.S. 223, 233-44, 129 S. Ct 808,0816-23 92009*** Defendants cannot claim qualified immunity to a State official who knowingly violates the Constitution.

Texas endorses the illegal scheme of re-homing children and has a pattern and practice of adopting kids out rather than returning the children to the safe and nurturing Houston parents who love and nurture their children.

Plaintiff is just one of many of the 280,000 parents who has lost her child in the United States through fraud in the State Courts. This is one of the largest Schemes in all of United States History. One in which the families are terrorized by law enforcement, judges, and high officials in State Government act in unified agreement together to kidnap children from happy healthy homes and make money by adopting them out to others. International Human Rights treaties forbid this conduct as a first degree felony (war crime) see **18 USC 509A and B** (a definition of genocide is taking children from one group and giving them to another.

Federal Grant funds provide payment for Texas from United States to the States that endorse this conduct. The General Public has an interest in this suit.

Women's incarcerations have gone up 70% since 2013 directly after President Obama signed into executive order giving great deference to courts and Counties a financial boon called **"Fatherhood Initiatives"**. Yet Women are a protected class of citizens who have fought

valiantly to be treated equally under the law. (for example women have only had the right to vote since 1920).

Plaintiff is a woman who is a class of persons protected from intentional discrimination under the Civil Rights Act of 1964 has been a victim of her child being stolen.

Plaintiff has a civil remedy **18 USC 1591** trafficking of children by force, fraud, or coercion under **18 USC 1595** provides a civil remedy to an individual who has been a victim of a violation of this chapter and may bring civil action against a person who knowingly benefits financially by receiving anything of value from participation in a venture which that person knew or should have known or engaged in an act that violated this chapter and may recover damages and attorney's fees. **18 USC 1593** provides mandatory restitution in addition to any other civil or criminal penalties authorized by law for knowingly Placing 3 children in unsafe unconstitutional conditions of confinement without probable cause ie "*State custody*" also known as "*kinship care*".

In *Mullenix v. Luna*, the most recent decision in this line of cases, the Court's entire description of the controlling standard reads as follows: The doctrine of qualified immunity shields officials from civil liability so long as their conduct "does not violate clearly established statutory or constitutional rights of which a reasonable person would have known."

Plaintiff has A clearly established right is one that is "sufficiently clear that every reasonable official would have understood that what he is doing violates that right." "We do not require a case directly on point, but existing precedent must have placed the statutory or constitutional question beyond debate." "Put simply, qualified immunity protects all but the plainly incompetent or those who knowingly violate the law." *Mullenix v Luna*, 136 S. Ct. at 308 (*emphasis added*) (*citations omitted*) (*internal quotation marks omitted*) (*quoting, in order, Pearson v. Callahan*, 555 U.S. 223, 231 (2009); *Reichle v. Howards*, 132 S. Ct. 2088, 2093 (2012); *al- Kidd*, 131 S. Ct. at 2083; *Malley*, 475 U.S. at 341). Qualified immunity is defeated because the right to family integrity is clearly established so that officials may not seize children from their parents without a court order of exigent circumstances. See *Gates v. Tex. Dep't of Protective & Regulatory Servs.*, 537 F.3d 404 (5th Cir. 2008).

Defendant's have not plead the only defense available to them in a civil rights action. Governmental and absolute immunity does not exist in a civil rights action for clearly established constitutional rights.

The Texas Legislature Codified a remedy, yet the State Court will not honor the law thus Plaintiff comes to the Federal Court for relief.

HOUSTON PATTERN AND PRACTICE OF POLICE ABUSE OF POWER

The most bizarre conduct ensued. Plaintiff was harassed and bullied by police officers who would stop her weekly as soon as she pulled out of her gated subdivision.

Plaintiff noted Weekly Police car lights were seen flashing in Plaintiff's rear-view mirror where she would be pulled over, it was as if they were waiting with baited breath for her to leave her home so they could pull her over and abuse their power in ways not authorized by law.

Plaintiff had no criminal record, yet she was continually pulled over, stalked and harassed by Houston Police.

The police threatened to put her in a mental institution and used terroristic threats of shock treatment when they pulled her over. Plaintiff had done nothing wrong yet the intimidation and fear was overwhelming.

The Police ordered Plaintiff to get out of the car approximately 10 times within a couple of months and the police demanded that she submit to warrantless search where nothing illegal was ever found in her car or on her person.

This harassment and unusual bizarre behavior of Houston Police officers went on weekly for years between 2009 through 2016. The USC **4th Amendment** and **14th Amendment** guarantees Plaintiff the right to be free from this unlawful action of State officials the treatment was cruel and unusual and forbidden by **8th Amendment** and **Texas Const 1.9** which forbids warrantless and unreasonable seizures of persons and property.

Plaintiff has protections under both Texas and Federal law that guarantee Plaintiff liberty interest to be secure in her persons against unreasonable searches or seizures *Terry v Ohio* 392 U.S. 1, 19 n 16 88 s. Ct 1868 20 L. Ed 2d 889 (1968) a new opinion *LR v School Dist of Philadelphia* 236.

Plaintiff asked the officers during the numerous officers when they pulled her over for their badge number and name they refused to give her that information.

Plaintiff would continually file complaints at the local Houston police station concerning their unlawful behavior and the officers would insinuate that Plaintiff was having a delusion and that her accusations were just imagined. They would never give her copies of her complaints filed. Many reports made by plaintiff would literally vanish after policemen would assure her she could pick up a copy of her complaint later.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Plaintiff was losing sleep and felt unsafe to leave her home, her friends and family members were afraid to get into the car with her due to the constant police harassment.

Plaintiff has had many health stress related issues especially since she has an auto immune disorder.

It became so awful that Plaintiff's beloved Grandmother Gladys Charron at 93 years old also filed police reports and contacted the FBI about the stalking, harassments and police misconduct. Gladys then became a target of police stalking also.

14 witnesses, supporters and friends have died that were telling Plaintiff of strange encounters who also had information about plaintiff's claims of conspiracies against her. Not once could plaintiff get an investigation on the oddities of all these deaths.

Plaintiff has lost her once happy healthy beloved only child causing extreme mental stress daily. Plaintiff as a result does no activities even today that remind her of her daughter due to the trauma of missing her.

Plaintiff has had extreme anxiety and nightmares over one particularly disturbing event where on one occasion she was set up by a detective who literally almost killed her. The detective's criminal entrapment of plaintiff, which almost cost her life, was reported to many such as the DA's office, HPD and internal affairs. As usual no investigation was done and plaintiff was treated as a person who imagines everything. The police department where plaintiff made the complaint on the detective, claims today that no such act ever happened. Plaintiff had made an official criminal report against the detective. This very detective harassed plaintiff for in his words.....snitching on me.

This conduct has had plaintiff afraid for years to even make reports anymore and hence why plaintiff made it clear why she was nervous to cooperate and fearful to do sworn affidavits against police officers Kenneth Troost and later Officer Villareal. Both of these officers illegally arrested plaintiff and she won both cases against her.

Plaintiff had filed numerous complaints with detectives at the DA's office in Houston with Devon Anderson and Kim Ogg and Ken Paxton's office (the State Attorney General), our local FBI and also filed complaints with the public integrity unit and the Texas Rangers, they also did no investigation.

Plaintiff's complaints against Houston Police officers fell on deaf ears. NO Texas Agency would truly show concern for her life and well-being or intervene this conscious indifference is a pattern and practice of Houston's police.

It is Texas policy to endorse the illegal police misconduct. Houston Police are known to abuse their power and have a pattern and practice of abusing the PEOPLE of this United States without justified reason.

Houston pattern and practice of abuse of power from Houston police department. A man named Salazar was pulled over in Houston on October 2010 named Ricardo Salazar-Limon in his white Toyota pick up and was asked to step from his car.

The man was told he was under arrest. Salazar-Limon asked “why” the officer responded “don’t ask” the man became frightened and the officer attacked, and shot him in the back and a bullet entered his spine.

This is a common occurrence in Houston of false arrests, police brutality and false accusations and abuse of police power. Salazar-Limon filed a civil rights suit against the officer in Federal Court.

STATE ENDORSEMENT OF POLICE MISCONDUCT

Plaintiff had recorded videos of the police misconduct pulling her over warrantless searches of her car and when the videos Plaintiff made of the meritless targeting of police were shown to the District Attorneys lieutenant detective assigned to Plaintiff case. They advised Plaintiff to contact the Texas Rangers, she did so, they did nothing to investigate. Nor would Texas Rangers return her calls after she sent evidence to them as advised to do by lawyers and others.

Plaintiff was told to contact the FBI by the mayor’s office and the DA’s office. The FBI never returned any calls and ignored any attempt to schedule an appointment and receive her complaint.

Plaintiff has no legal remedy for her injuries in State court and all powers that are responsible for oversight of police corruption turn a blind eye to a “*woman*” (a protected class of citizens) who is harassed, stalked and abused by local Houston police. The Law demands a remedy under common law 42 USC 1981.

Ken Paxton’s office assigned lieutenant Paul Hall to Plaintiffs case. Plaintiff is told the detective is from the corruption unit and personally is to address her evidence and claims. For months plaintiff sent evidence to Paul Hall and yet her claim of the crimes against her by Houston Police officers was never investigated. Most of the time plaintiff called with solid evidenced based concerns she would get no return calls. Communication with this detective was ridiculously difficult and the attorneys general’s office was made aware of it. Plaintiff also left calls for the attorney general’s office for the very person she was told was handling her victim assistance. To

no surprise plaintiff would get no response to what happened with her victim assistance claim and lack of help from the detective on her case.

This tortious policy of police and other governmental agencies preying upon innocent citizens is pervasive and ongoing and shows a deliberate indifference to the known or obvious consequences that the constitutional violation would result in Plaintiff's ongoing emotional and financial injury. Plaintiff literally went homeless over numerous injustices and not receiving her victim assistance as assured for months. Note that plaintiff before being grossly victimized and targeted lived a very successful poud life. She was a great single loving mom with a beautiful home in a gated upscale community in Houston. Little did plaintiff know her fight for justice would cause her lose virtually everything she had since she made her first complaint in 2007.

Paul Hall like others who were supposed to serve and protect in actuality only aided to her becoming homeless. Due to the lack of assured help plaintiff had to live in hiding for years with no paper trail which caused her to go conveniently broke. After all being broke was advantageous for all who should be rightfully held accountable for such unlawful and torturous acts. Conveniently Plaintiff could not obtain a lawyer without a retainer of at least 150,000. Plaintiff filing pro se was far too advantageous to those who want her case and needed investigation dropped.

Plaintiff would give her location at hotels since she made the decision to no longer live in fear by traveling, then police would come by and harass Plaintiff at that location. Plaintiff was called derogatory names, meant to humiliate her and offend her. One officer mocked and ridiculed, and labeled her a prostitute and a homeless person. Plaintiff dialed at the time assigned to her case, Paul Hall's cell number, and allowed him to listen to the harassment where he did nothing at all to help her or investigate the disturbing encounter. Plaintiff's phone was seized by the officer where proof of her harassment and death threats all vanished once returned. This unlawful tactic of erasing evidence was used often when plaintiff feared for her safety and life. Plaintiff believes it was deliberate actions to make her lose credibility and to appear mentally ill.

The next morning Plaintiff's car was broken into and evidence of the crimes against her were stolen. None of her valuables were missing that were hidden under the seat yet her evidence that

Pall Hall knew about was all gone. Plaintiff called police to investigate her claim, the police did not come. Plaintiff had no idea that this practice of no shows by the police would be quite common as she tried to develop a case to prove conspiring against her by removing solid evidence. Despite plaintiff fearfully took much of her evidence, which as of today has almost all been stolen, to offices suggested as a victim of crimes, no help involving thorough investigations ever took place. In actualities the more the plaintiff provided to offices such as the attorney general's office, DA's office and internal affairs, the more she had crimes of retaliations against her.

Plaintiff had come to the traumatizing realization that she had no place to turn for help. The very ones who were supposed to serve and protect her kept failing her. Houston police continually covered up any of the police misconduct and Houston's DA also was acting in concert with police criminal conduct. Despite of the plaintiffs once optimistic attempts to seek a way to get some type of relief from being a prisoner of corruption, her fight for justice became more and more overwhelming and complex.

Plaintiff had contacted attorney general's office and asked for relocation funding and filed an affidavit swearing to the crimes against her. Plaintiff was assured victim assistance by many including the DA's office. To plaintiffs disbelief even the assigned person to her case who worked at the DA's office would never return her calls. She had given plaintiff paperwork for compensation that she filed out and not once did she receive any calls back regarding plaintiffs genuine concerns. If anything plaintiff felt everything she was doing at this point was helping the so called bad guys. The more crimes she reported even with evidence backing up her claims the more plaintiff was being treated like a hard core criminal and harassed.

Plaintiff never received any restitution for her injuries under victim's assistance. Victims assistance claimed they never could find her address or contact information. This was false they had her information but refused to grant her financial assistance to redress her injury.

Plaintiff was so discouraged and in constant disbelief that her tax payer funds could be used to fund organized criminal activity inside the Houston Police department.

The discouragement and despair caused severe emotional injuries, and caused chronic nightmares were filled with foggy faces but the men in police uniforms were vivid in her nightmares and often she woke with night sweats and pounding heartbeats and couldn't return to sleep.

Plaintiff found herself sensitive to loud sounds that never had any affect on her before and turned down many invitations to go into public places with her friends and acquaintances for fear of being arrested for innocent non-criminal conduct.

PLAINTIFF has often encountered false mental allegations by the police where they would try to have her committed. Despite, there efforts were often unsuccessful (false claims ruled out by mental professions called by the police) plaintiff still fears to be unlawfully committed to a mental institution. On one occasion, 2 HPD officers beat plaintiff) caught on hospital camera) and threw her in a mental hospital on false allegations. Plaintiff was forced to shut down much of her evidence in the hospital with injuries by the officers and held against her will. When she tried to report these actions she was banned from the hospital phone and computer room. The doctor at the hospital refused to look at her evidence and lied about his findings regarding the plaintiff. The doctor told plaintiff her claims about her case were delusional yet he was covering up proof of her claims. . Plaintiff reported these actions and as usual the camera footage and evidence was never investigated. Plaintiff reported these actions to the DA's office and the attorney General office and never received any call back. Internal affairs claims they will investigate this matter along with other cases of police misconduct and retaliations against her.

Plaintiff went from being a social butterfly who loved to cook gourmet dinners for 25 to 30 friends in her beautiful home in the Galleria area, to being a recluse and introvert based on the fact that Plaintiff feared leaving her home due to the continual police malicious detention searching her car, and arresting and harassing her and depriving her of her fundamental liberty interest in being free to live her life in peace without harassment and have the dignity offered to her as a human being under the U.S. Constitution.

Plaintiff's fear has continually caused self-censure of her behavior and altered her friendships and relationships and caused her reputation to be damaged and further increased humiliation

fright due to direct actions of the Houston Police department and District Attorney's office endorsing their conduct. The same conduct is endorsed by the State of Texas, the highest officers in Texas who let the police arm of the State run rogue over the PEOPLE.

Plaintiff filed a complaint via email and called in numerous complaints leaving messages by phone requesting a meeting with Mayor Sylvester Turner begging for the necessary relief from the police misconduct and harassment. Plaintiff never got a call back and No help came.

The City of Houston has nicely written policies but the defacto shadow policy is to deprive Plaintiff and others similarly situated of her liberty and ignore criminal acts of Houston police officers even though the illegal actions are known and endorsed by Mayor Sylvester Turner, he is a policy-maker for the City of Houston including their police department and its operations, policies and procedures and training of police and deputies.

Mayor Sylvester Turner, chief of police and Defendant Art Acevedo another final policy maker for the City of Houston is Chief of Police for City of Houston police department and they acted in unified agreement to deprive Plaintiff of her fundamental liberty to be free from police officers acting under color of law in bad faith to conspire against her to deprive her of equal protections of the law.

Sylvester Turner and Chief of Police Art Acevedo have acted under color of law intentionally failed to properly train their officers to take reports investigate crimes against Texas Residents within the Houston City limits.

Sylvester Turner and Chief of Police Art Acevedo have intentionally failed to properly train their officers to treat the citizens with respect and follow the law of procedure the constitution and the penal code.

Sylvester Turner and chief of Police Art Acevedo have acted under color of law failed to properly investigate complaints against police deputies and keep the deputies on staff who commit civil rights violations. Thus they endorse the illegal police conduct and this makes them also liable for the officers tortious conduct see 18 USC 1985

Constructive fraud is the breach of some legal or equitable duty which, irrespective of moral guilt, the law declares fraudulent because of its tendency to deceive others, to violate confidence, or to injure public interests. *Land v. Marshall*, 426 S.W.2d 841 (Tex. 1968); *Matthews v. Matthews*, 725 S.W.2d 275 (Tex. App.—Houston [1st Dist.] 1986, writ ref'd n.r.e.).

OFFICER TROOST ABUSE OF POWER

Officer Troost illegally targeted plaintiff two occasions of no fault of her own. Plaintiff was an innocent person driving lawfully giving no cause to be pulled over.

In 2007 plaintiff was pulled over for no valid cause in Kingwood, Texas and harassed with scare tactics to intimate plaintiff. Kenneth Troost years later targets plaintiff again under false claims so he could arrest her on Nov 18, 2016. This arrest torments plaintiff often due to all the police retaliations and major crimes conducted. Plaintiff believes it is largely over her publicity against the corruption she had endured nearly ten years. Troost is no longer employed as a police officer and went to jail for two felonies. Despite plaintiff won her case she has never received much of the states help that was assured by victim assistance agencies for her cooperated with internal affairs, the Da's office and attorney general's office. Plaintiff never was given an investigator that would research her claims and fear for her life as well.

What took place before and while in the car on plaintiffs last arrest was not properly investigated by those who promised plaintiff help and protection.

All detailed notes and evidence has been stolen regarding proof of major retaliations and cover ups regarding this lawsuit.

Federal Qualified immunity is the only defense Defendants can claim as his shield in Federal Court but it does not shield government actors from liability under 42 USC 1983 if their conduct violates clearly established statutory or constitution rights of which a reasonable person would have known." See *Harlow v Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 73 L Ed. 2d 396 (1982) (1) Whether an officer's conduct violated a constitutional right, and (2) whether the right

was clearly established at the time of the incident see *Pearson v Callahan*, 555 U.S. 223, 232, 129 S. Ct 808, 172 L. Ed. 2d 565 (2009).

Qualified immunity defense may only apply to government officials sued in their individual capacities. Not the government as an entity. See *Harlow*, 457 U.S. at 818, 102 S. Ct. 2727 as cited in *Lowmire v US*. 828 F.3d 935(DC Cir 2016) Discretionary function exception likewise does not shield decisions that exceed Constitutional bounds, even if such decisions are imbued with policy considerations. See *Medina*, 259 F.3d at 225 (acknowledging, in reliance on *Berkovitz v United States* 486 U.S. at 536, 108 S. Ct. 1954 and *Red Lake*, 800 F.2d at 1196, that Federal officials lack discretion to violate constitutional rights.) The Government has no discretion to violate the Federal Constitution it's dictates are absolute and imperative see *Owen v City of Independence, Mo.*, 445 U.S. 622, 649, 100 S. Ct 1398, 63 L. Ed. 2d 673 (1980).

CONCLUSION BASED ON NEW CIRCUMSTANCES

Plaintiff was unable to complete her motion due to confidential evidenced recently being stolen which including secret tapings of police misconducts. \

Plaintiff had her Brady material stolen essential to her case. Strangely, all who should have a copy of it are denying they can provide a copy to plaintiff knowing she's in this lawsuit. This Brady material was given personally to plaintiff by an assistant DA. This same DA told plaintiff she should sue over retaliations years ago but claimed she had no copy of it as well.

Plaintiff is told internal affairs will investigate new and old claims that have kept the plaintiff from finishing her motion in a timely manner.

Plaintiff who respects the law and regulations missed her deadline not with any intentions of dishonoring the judge or the court federal rules, but in fact was a victim of endless unlawful tactics that were keeping her from doing as she intended. The recent stolen evidence is one of many major set-backs in this case.

Plaintiff has been enduring brutal scare tactics to keep her from filing her case. The constant harassment and death threats about filing her motion has her afraid to even file any more claims. Considering her history with ALL THE UNLAWFUL ACTIONS ACTIONS AGAINST HER IT'S UNDERSTANDABLE.

Plaintiff has shown over 18,000 harassing messages and threats to the HPD police department and a HPD detective. These threats clearly indicate that people are hired to follow plaintiff destroy her case. In actuality a person unknown and nameless has written the plaintiff that she wears wigs and follows her wearing wigs ect and was hired by a HPD captain of once Officer Troost's department. This obstruction of justice and interference with plaintiff's case hopefully will be a serious reconsideration for an extension to finish her motion.

Plaintiff was followed, photographed and stalked in her new location near Dallas causing her to be fearful of filing without an investigation. Therefor plaintiff moved closer to get help from internal affairs as advised. Plaintiff was told she will not be protected if she leaves their county.

Plaintiff and her fiancé, who has also been targeted for protecting and loving plaintiff, moved back in the Houston area for on Sept 15 and in regards to internal affairs claims to investigation. Plaintiff has been given on Sept 17th, 2018 sworn affidavits to fill out.

Plaintiff was unaware, Sargent Seaious who was assigned to her case years ago is no longer employed at internal affairs. Therefor she has been given a new Sargent to investigate her claims.

Plaintiff will have to travel and make copies of all the evidence that has been stolen, deleted and or covered up. This will be costly and cannot be done by plaintiff at this very present time especially with a new move back to Houston area.

Plaintiff has dealt with constant hacking where her social media evidence has vanished and her many radio show interviews. This has been reported for years with no investigation despite promises of a thorough investigation regarding cyber hacking. Plaintiffs cyber hacking has been worse recently and conveniently much worse since plaintiff filed her lawsuit. Fb has notified plaintiff numerous times recently about suspicious hacking such activity on her account. This unlawful activity has been reported since 2010. Plaintiff's publicity on social media such as

google has vanished considerable without her deleting it. Plaintiff believes it has been deliberate so she would lose her credibility. Her evidence site had 20,000 views in a matter of a few months and unlawfully was shut down.

Plaintiff should not have to fear for her safety to represent herself in this civil case and expose her evidence. Plaintiff prefers a lawyer but has not found one due to her lack of funds over all these retaliations and crimes.

Plaintiff is willing to go forward even if she does not get the help she needs to win this case. If case stands by the honorable judge as dismissed she hopes it remains without prejudice. Plaintiff is requesting at least another week to get her sworn affidavits done and gather back much of her stolen evidence and videos.

Plaintiff has tried everything she could to get her case filed appropriately on time and has spent long hours preparing for her jury trial including studying law books.

PRAYEER

Heavenly Father. The source of all wisdom and justice,

As we bring these proceedings to a close, WE ask your continued blessing and guidance for this righteous court.

That it may always function with honor and integrity,

That it's pronouncements always be just, that it's proceedings be conducted impartially for all who come before it

And finally that this court is all it's actions,

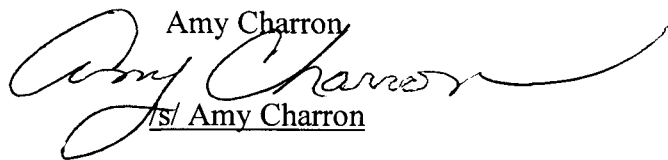
Preserve the peace and dignity,

The rights and prerogatives,

And the freedom and morality of our people

This court we commend to your keeping,

,Amen

Amy Charron

/s/ Amy Charron