

rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable seizures as secured by the 4th Amendment to the United States Constitution.

MANNER AND MEANS

It was part of the conspiracy that the Defendant, Sefra Perkins would, in agreement with other conspirators; enter the premises of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014. Defendant Sefra Perkins, under the color of law, did so enter the premises of the Plaintiff, on or about December 08, 2014, without court order, without exigent circumstances and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable seizures.

It was part of the conspiracy that other Defendants would provide material support, and aid and abet, Defendant Sefra Perkins by providing her with the means and methods to accomplish the unreasonable seizure. All Defendants had full knowledge that Sefra Perkins was executing an unreasonable seizure at the home of Plaintiff Christina Cruise, and Defendants, all of them agreed to accomplish the unreasonable seizure at the home the Plaintiff Christina Michelle Cruise.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co-Conspirators, namely Sefra Perkins, committed and caused to be committed at 3030 Hirschfield

Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014, at least one of the following overt acts.

SEFRA PERKINS

entered the premises of Plaintiff Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 08, 2014, without court order, without exigent circumstances, and without permission, in an unreasonable seizure at the home of Plaintiff Christina Michelle Cruise. Defendant Sefra Perkins, accompanied by an armed Officer, without court order, without permission, and without exigent circumstances, did seize, Child 'A', the Biological Child of this Plaintiff Christina Michelle Cruise.

Said unreasonable seizure, of Child 'A', the Biological Child of this Plaintiff Christina Michelle Cruise, without court order, without permission, and without exigent circumstances, from the home of the Plaintiff, is in violation of the unreasonable seizure prohibition of the 4th Amendment of the United States Constitution. Said unreasonable seizure constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy Against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #3, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #4

**Unreasonable seizure of Child 'B' on or About December 08, 2014 in violation of
The Fourth (4th) Amendment United States Constitution**

On or about December 08, 2014, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division;

SEFRA PERKINS

while acting under the Color of Law, did knowingly, and willfully, combine, conspire, confederate and agree with Defendants, Judge Sheri Y. Dean, Associate Judge Beverly Malazzo, of the 309th Judicial District Harris County, and Francie Aguirre, an Attorney for Harris County, Henry "Hank" Whitman, Jr., Commissioner of TDFPS, Kristene Blackstone, Associate Commissioner TDFPS, for CPS, and Tara Biggers, a supervisor at TDFPS, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable seizures as secured by the 4th Amendment to the United States Constitution.

MANNER AND MEANS

It was part of the conspiracy that the Defendant, Sefra Perkins would, in agreement with other conspirators; enter the home of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014. Defendant Sefra Perkins, under the color of law, did so enter the home of the Plaintiff, on or about December 08, 2014, without court order, without exigent circumstances and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable seizures.

It was part of the conspiracy that other Defendants would provide material support, and aid and abet, Defendant Sefra Perkins by providing her with the means and methods to accomplish the unreasonable seizure. All Defendants had full knowledge that Sefra Perkins was executing an

unreasonable seizure at the home of Plaintiff, and Defendants, all of them agreed to accomplish the unreasonable seizure at the home the Plaintiff.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co- Conspirators, namely Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014, at least one of the following overt acts.

SEFRA PERKINS

entered the home of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 08, 2014, without court order, without exigent circumstances, and without permission, in an unreasonable seizure at the home of Plaintiff Christina Michelle Cruise. Defendant Sefra Perkins, accompanied by an armed Officer, without court order, without permission, and without exigent circumstances, did seize, Child 'B', the Biological Child of this Plaintiff Christina Michelle Cruise.

Said unreasonable seizure of Child 'B', the Biological Child of this Plaintiff Christina Michelle Cruise, without court order, without permission, and without exigent circumstances, from the home of the Plaintiff, is in violation of the unreasonable seizure prohibition of the 4th Amendment of the United States Constitution. Said unreasonable seizure constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy Against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #4, under Title 42 United States Code Section

CAUSE OF ACTION #5

Unreasonable Search on or About December 05, 2014 in violation of Due Process Clause of the Fourteenth (14th) Amendment United States Constitution

On or about December 05, 2014, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division;

SEFRA PERKINS

while acting under the Color of Law, did knowingly, and willfully, combine, conspire, confederate and agree with Defendants, Judge Sheri Y. Dean, Associate Judge Beverly Malazzo, of the 309th Judicial District Harris County, and Francie Aguirre, an Attorney for Harris County, Henry "Hank" Whitman, Jr., Commissioner of TDFPS, Kristene Blackstone, Associate Commissioner TDFPS, for CPS, and Tara Biggers, a supervisor at TDFPS, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable search as secured by the 4th Amendment to the United States Constitution.

Plaintiff alleges that the process of obtaining a valid court order prior to entering into her premises is a protection afforded to her by and through the United States Constitution 14th Amendment Section 1 Due Process Clause. Plaintiff alleges, said unreasonable search, is in violation of the 4th Amendment Proscription against unreasonable searches, and 14th Amendment Section 1 Due Process Clause. The Fourteenth (14th) Amendment in its very plain language provides, "*nor shall any state deprive any person of life, liberty, or property, without due process of law*".

One of the principles of Due Process of Law, is Defendants, while acting under color of law, must follow fair procedures. Plaintiff alleges that 4th Amendment court order requirement, constituted procedures that the Defendants, would have had to follow, before entering into her premises on or about December 05, 2014. Plaintiff alleges that Defendants' failure to follow their own procedures, as to obtaining a court order prior to entry into her premises, as contained in the Texas Family Code, as well as failure to follow the court order requirement of the 4th Amendment, constitutes a failure on the part of TDFPS to provide this Plaintiff Christina Cruise with Due Process as required by the 14th Amendment of the United States Constitution.

Plaintiff alleges that said failure to obtain a Court order prior to the search of her premises on or about December 05, 2014, is a Due Process Violation, as secured by the 14th Amendment, and constitutes Federal Felonies under Title 18 United States Code 241 Conspiracy Against Rights, Title 18 United States Code 4 Misprision of a Felony, and brings rise to this Cause of Action #5, under Title 42 United States Code Section 1983.

MANNER AND MEANS

It was part of the conspiracy that the Defendant, Sefra Perkins would, in agreement with other conspirators; enter into the premises of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 05, 2014. Defendant Sefra Perkins, under the color of law, did so enter the premises of the Plaintiff, on or about December 05, 2014, without court order, without exigent circumstances and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable searches.

It was part of the conspiracy that other Defendants would provide material support, and aid and abet, Defendant Sefra Perkins by providing her with the means and methods to accomplish the unreasonable search of the premises of the Plaintiff. All Defendants had full knowledge that Sefra Perkins was executing an unreasonable search of the home of Plaintiff Christina Cruise, and Defendants, all of them agreed to accomplish the unreasonable search of the home of the Plaintiff Christina Michelle Cruise.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co- Conspirators, namely Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 05, 2014, at least one of the following overt acts.

SEFRA PERKINS

entered the home of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 05, 2014, without court order, without exigent circumstances, and without permission. Defendant Sefra Perkins, accompanied by an armed Officer did, without court order, without permission, and without exigent circumstances, enter the home of this Plaintiff Christina Michelle Cruise for the express purpose of an executing an unreasonable search.

Said search of the home of this Plaintiff Christina Michelle Cruise, without court order, without permission, and without exigent circumstances, is in violation of the unreasonable search prohibition of the 4th Amendment of the United States Constitution. Plaintiff alleges that Defendants failure to obtain a valid court constitutes a violation of Due Process, as secured by

the 14th Amendment of the United States Constitution. Said failure to provide Due Process, as secured by the United States Constitution 14th Amendment Section 1, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy Against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #5, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #6

Unreasonable Search on or About December 08, 2014 in violation of Due Process Clause of the Fourteenth (14th) Amendment United States Constitution

On or about December 08, 2014, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division;

SEFRA PERKINS

while acting under the Color of Law, did knowingly, and willfully, combine, conspire, confederate and agree with Defendants, Judge Sheri Y. Dean, Associate Judge Beverly Malazzo, of the 309th Judicial District Harris County, and Francie Aguirre, an Attorney for Harris County, Henry "Hank" Whitman, Jr., Commissioner of TDFPS, Kristene Blackstone, Associate Commissioner TDFPS, for CPS, and Tara Biggers, a supervisor at TDFPS, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable search as secured by the 4th Amendment to the United States Constitution.

Plaintiff alleges that the process of obtaining a valid court order prior to entering her home is a protection afforded to her, by and through the United States Constitution 14th Amendment

Section 1 Due Process Clause. Plaintiff alleges, said unreasonable search, is in violation of the 4th Amendment Proscription against unreasonable searches, and 14th Amendment Section 1 Due Process Clause. The Fourteenth (14th) Amendment in its very plain language provides, *“nor shall any state deprive any person of life, liberty, or property, without due process of law”*.

One of the principles of Due Process of Law, is Defendants must follow fair procedures. Plaintiff alleges that 4th Amendment court order requirement, constituted procedures that the Defendants, would have had to follow, before entering onto her home on or about December 08, 2014.

Plaintiff alleges that Defendants’ failure to follow their own procedures, as to obtaining a court order prior to entry into her home, as contained in the Texas Family Code, as well as failure to follow the requirement of the 4th Amendment, constitutes a failure on the part of TDFPS to provide this Plaintiff Christina Cruise with Due Process as required by the 14th Amendment of the United States Constitution.

Plaintiff alleges that said failure to obtain a Court order prior to the search of her premises on or about December 08, 2014, is a Due Process violation, as secured by the 14th Amendment, and constitutes Federal Felonies under Title 18 United States Code 241 Conspiracy Against Rights, Title 18 United States Code 4 Misprision of a Felony, and brings rise to this Cause of Action #6, under Title 42 United States Code Section 1983.

MANNER AND MEANS

It was part of the conspiracy that the Defendant, Sefra Perkins would, in agreement with other conspirators; enter the home of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014. Defendant Sefra Perkins, under the color of law, did so enter the home of

the Plaintiff, on or about December 08, 2014, without court order, without exigent circumstances and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable searches.

It was part of the conspiracy that other Defendants would provide material support, and aid and abet, Defendant Sefra Perkins by providing her with the means and methods to accomplish the unreasonable search of the home of the Plaintiff. All Defendants had full knowledge that Sefra Perkins was executing an unreasonable search of the home of Plaintiff Christina Cruise, and Defendants, all of them agreed to accomplish the unreasonable search of the premises the Plaintiff Christina Michelle Cruise.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co- Conspirators, namely Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014, at least one of the following overt acts.

SEFRA PERKINS

entered the home of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 08, 2014, without court order, without exigent circumstances, and without permission. Defendant Sefra Perkins, accompanied by an armed Officer did without court order, without permission, and without exigent circumstances, enter the home of this Plaintiff Christina Michelle Cruise for the express purpose of an executing an unreasonable search. Said search of the home of this Plaintiff Christina Michelle Cruise, was unreasonable,

because the search was without court order, without permission, and without exigent circumstances. Said search is in violation of the unreasonable search prohibition of the 4th Amendment of the United States Constitution. Plaintiff alleges that Defendants failure to obtain a valid court order, that would have authorized the search, constitutes a violation of Due Process, as secured by the 14th Amendment of the United States Constitution. Said failure to provide Due Process, as secured by the United States Constitution 14th Amendment Section 1, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy Against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #6, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #7

Unreasonable seizure of Child 'A' on or About December 08, 2014 in violation of Due Process Clause of the Fourteenth (14th) Amendment United States Constitution

On or about December 08, 2014, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division;

SEFRA PERKINS

while acting under the Color of Law, did knowingly, and willfully, combine, conspire, confederate and agree with Defendants, Judge Sheri Y. Dean, Associate Judge Beverly Malazzo, of the 309th Judicial District Harris County, and Francie Aguirre, an Attorney for Harris County, Henry "Hank" Whitman, Jr., Commissioner of TDFPS, Kristene Blackstone, Associate Commissioner TDFPS, for CPS, and Tara Biggers, a supervisor at TDFPS, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws

of the United States, namely, the right to be free from unreasonable seizures as secured by the 4th Amendment to the United States Constitution.

Plaintiff alleges that the process of obtaining a valid court order prior to executing a seizure in her home, is a protection afforded to her by and through the United States Constitution 14th Amendment Section 1 Due Process Clause. Plaintiff alleges, said unreasonable seizure, is in violation of the 4th Amendment Proscription against unreasonable seizures, and 14th Amendment Section 1 Due Process Clause. The Fourteenth (14th) Amendment in its very plain language provides, "*nor shall any state deprive any person of life, liberty, or property, without due process of law*".

One of the principles of Due Process of Law, is Defendants must follow fair procedures. Plaintiff alleges that 4th Amendment court order requirement, constituted procedures that Defendants, would have had to follow, before executing a seizure in her home on or about December 08, 2014. Plaintiff alleges that Defendants' failure to follow their own procedures, as to obtaining a court order prior to entry into her home, as contained in the Texas Family Code, as well as failure to follow the requirement of the 4th Amendment, constitutes a failure on the part Defendants to provide this Plaintiff Christina Cruise with Due Process as required by the 14th Amendment of the United States Constitution.

Plaintiff alleges that said failure to obtain a Court order prior to the Seizure of Child 'A' from her premises on or about December 08, 2014, is a Due Process violation, as secured by the 14th Amendment, and constitutes Federal Felonies under Title 18 United States Code 241 Conspiracy Against Rights, Title 18 United States Code 4 Misprision of a Felony, and brings rise to this Cause of Action #7, under Title 42 United States Code Section 1983.

MANNER AND MEANS

It was part of the conspiracy that the Defendant, Sefra Perkins would, in agreement with other conspirators; enter the premises of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014. Defendant Sefra Perkins, under the color of law, did so enter the premises of the Plaintiff, on or about December 08, 2014, without court order, without exigent circumstances and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable seizures.

It was part of the conspiracy that other Defendants would provide material support, and aid and abet, Defendant Sefra Perkins by providing her with the means and methods to accomplish the unreasonable seizure in the home of the Plaintiff. All Defendants had full knowledge that Sefra Perkins was executing an unreasonable seizure in the home of Plaintiff Christina Cruise, and Defendants, all of them agreed to accomplish the unreasonable seizure in the home the Plaintiff Christina Michelle Cruise.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co- Conspirators, namely Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014, at least one of the following overt acts.

SEFRA PERKINS

entered the home of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX

77373, on or about December 08, 2014, without court order, without exigent circumstances, and without permission. Sefra Perkins did in fact enter into the home of the Plaintiff, and did in fact seize, Child 'A', the Biological Child of the Plaintiff Christina Michelle Cruise. Defendant Sefra Perkins, accompanied by an armed Officer did without court order, without permission, and without exigent circumstances, enter the home of this Plaintiff Christina Michelle Cruise for the express purpose of an executing an unreasonable seizure of Child 'A', the biological Child of the Plaintiff Christina Michelle Cruise.

Said unreasonable seizure of Child 'A', the Biological Child of this Plaintiff Christina Michelle Cruise, without court order, without permission, and without exigent circumstances, is in violation of the unreasonable seizure prohibition of the 4th Amendment of the United States Constitution.

Plaintiff alleges that Defendants failure to obtain a valid court constitutes a violation of Due Process, as secured by the 14th Amendment of the United States Constitution. Said failure to provide Due Process, as secured by the United States Constitution 14th Amendment Section 1, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy Against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #7, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #8

Unreasonable Seizure of Child 'B' on or About December 08, 2014 in violation of Due Process Clause of the Fourteenth (14th) Amendment United States Constitution

On or about December 08, 2014, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division;

SEFRA PERKINS

while acting under the Color of Law, did knowingly, and willfully, combine, conspire, confederate and agree with Defendants, Judge Sheri Y. Dean, Associate Judge Beverly Malazzo, of the 309th Judicial District Harris County, and Francie Aguirre, an Attorney for Harris County, Henry "Hank" Whitman, Jr., Commissioner of TDFPS, Kristene Blackstone, Associate Commissioner TDFPS, for CPS, and Tara Biggers, a supervisor at TDFPS, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable seizures as secured by the 4th Amendment to the United States Constitution.

Plaintiff alleges that the process of obtaining a valid court order prior to executing a seizure in her premises is a protection afforded to her by and through the United States Constitution 14th Amendment Section 1 Due Process Clause. Plaintiff alleges, said unreasonable seizure, is in violation of the 4th Amendment Proscription against unreasonable searches, and 14th Amendment Section 1 Due Process Clause. The Fourteenth (14th) Amendment in its very plain language provides, "*nor shall any state deprive any person of life, liberty, or property, without due process of law*".

One of the principles of Due Process of Law, is Defendants must follow fair procedures. Plaintiff alleges that 4th Amendment court order requirement, constituted procedures that the Defendants, would have had to follow, before executing a seizure in her home on or about December 08, 2014. Plaintiff alleges that Defendants' failure to follow their own procedures, as to obtaining a court order prior to entry into her premises, as contained in the Texas Family Code, as well as failure to follow the requirement of the 4th Amendment, constitutes a failure on the part of

TDFPS to provide this Plaintiff Christina Cruise with Due Process as required by the 14th Amendment of the United States Constitution.

Plaintiff alleges that said failure to obtain a Court order prior to the Seizure of Child 'B' from her home on or about December 08, 2014, is a Due Process violation, as secured by the 14th Amendment, and constitutes Federal Felonies under Title 18 United States Code 241 Conspiracy Against Rights, Title 18 United States Code 4 Misprision of a Felony, and gives rise to this Cause of Action #7, under Title 42 United States Code Section 1983.

MANNER AND MEANS

It was part of the conspiracy that the Defendant, Sefra Perkins would, in agreement with other conspirators; enter the home of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014. Defendant Sefra Perkins, under the color of law, did so enter the home of the Plaintiff, on or about December 08, 2014, without court order, without exigent circumstances, and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable seizures.

It was part of the conspiracy that other Defendants would provide material support, and aid and abet, Defendant Sefra Perkins by providing her with the means and methods to accomplish the unreasonable seizure in the home of the Plaintiff. All Defendants had full knowledge that Sefra Perkins was executing an unreasonable seizure in the home of Plaintiff Christina Cruise, and Defendants, all of them agreed to accomplish the unreasonable seizure in the home the Plaintiff.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co- Conspirators, namely Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014, at least one of the following overt acts.

SEFRA PERKINS

entered the home of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 08, 2014, without court order, without exigent circumstances, and without permission. Sefra Perkins did in fact enter into the home, and did in fact seize, Child 'B', the Biological Child of the Plaintiff Christina Michelle Cruise. Defendant Sefra Perkins, accompanied by an armed Officer did without court order, without permission, and without exigent circumstances, enter the home of this Plaintiff Christina Michelle Cruise for the express purpose of an executing an unreasonable seizure of Child 'B', the biological Child of the Plaintiff Christina Michelle Cruise.

Said unreasonable seizure of Child 'B', the Biological Child of this Plaintiff Christina Michelle Cruise, without court order, without permission, and without exigent circumstances, is in violation of the unreasonable seizure prohibition of the 4th Amendment of the United States Constitution.

Plaintiff alleges that Defendants failure to obtain a valid court order constitutes a violation of Due Process, as secured by the 14th Amendment of the United States Constitution. Said failure to provide Due Process, as secured by the United States Constitution 14th Amendment Section 1, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy Against Rights, and Title

18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #8, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #9

Due Process Violation 14th Amendment Due Process Clause. Failure to Conduct an Extension Hearing Prior to Extending Case Beyond the One-Year Anniversary Date.

Texas Family Code 263.401 – Dismissal after One Year; New Trials; Extension

On or about December 10, 2015, in the 309th Judicial District Harris County Texas, in the Southern District of Texas, Houston Division;

Judge Sheri Y. Dean

while acting under the Color of Law, did knowingly, and willfully, combine, conspire, confederate and agree with Defendants, Sefra Perkins, Associate Judge Beverly Malazzo, of the 309th Judicial District Harris County, and Francie Aguirre, an Attorney for Harris County, Henry "Hank" Whitman, Jr., Commissioner of TDFPS, Kristene Blackstone, Associate Commissioner TDFPS, for CPS, and Tara Biggers, a supervisor at TDFPS, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to Due Process as secured by the 14th Amendment to the United States Constitution.

Plaintiff, Christina Michelle Cruise, alleges that Texas Family Code 263.401 provides for fair procedures, with respect to how long these types of cases can remain on the court's Docket.

Texas Family Code 263.401 – Dismissal after One Year; New Trials; Extension provides; The statute is clear that the suit must be dismissed on the first Monday after the first anniversary of the date the Department was appointed temporary managing conservator of the children, absent

the rendering of a final order or the granting of an extension. *Id.* § 263.401(a); *see In re Tex. Dep't of Family & Protective Servs.*, 210 S.W.3d at 612 ("Subsection 263.401(a) of the Texas Family Code requires a trial court to dismiss a SAPCR filed by the Department if a final order has not been rendered" by the deadline.).

The court cannot just enter an extension order, though. In order for the suit to remain on the court's docket beyond the one-year dismissal date, the court must make specific findings to support the extension order: "the court *may not* retain the suit on the court's docket" after the one-year dismissal date unless the court makes specific findings as set out in the statute. *TEX. FAM.CODE* § 263.401(b).

Even if a trial court enters an extension order, the suit may be retained on the court's docket for a maximum of 180 days after the one-year dismissal date, and the trial court must make specific provision in the order setting;

- (1) The new dismissal date for not later than the 180-day limit, and
- (2) The trial on the merits for a date that complies with the 180-day limit. *Id.* § 263.401(b) (1).
- (3). A trial court may not grant a second extension to retain the suit on the court's docket beyond the 180-day limit. *Id.* § 263.401(c).

MANNER AND MEANS

TDFPS was appointed Temporary Managing Conservator on December 8, 2014. Pursuant to statute Texas Family Code § 263.401, the Court of Judge Sheri Y. Dean, the 309th Judicial District Court Harris County Texas, had one (1) year to render a final order. Judge Sheri Y. Dean failed to render a final order before the anniversary date of December 08, 2015. Judge Sheri Y.

Dean and or Associate Judge Beverly Malazzo failed to make the necessary findings that are required in order for the court to retain the case on the court's docket.

Therefore Pursuant to statute, Texas Family Code § 263.401, Judge Sheri Y. Dean and or Associate Judge Beverly Malazzo had no discretion but to dismiss the case brought by TDFPS, on the first Monday following the anniversary date. The Supreme Court of Texas has ruled that the timeframes are mandatory and the court had no discretion but to dismiss such a case.

In Re Dept of Family & Protective Services Relator Cite as 273 S.W. 3d 637 (Texas 2009) No. 08-0524 Supreme Court of Texas Argued November 12, 2008 Delivered Jan 9, 2009.

Plaintiff alleges that the fair procedures contained in Texas Family Code § 263.401 provide Due Process as prescribed by the 14th Amendment to the United States Constitution. Plaintiff alleges that when Judge Sheri Y. Dean, presiding Judge of the 309th Judicial District, and or Associate Judge Beverly Malazzo, failed to follow the rulings of the Texas Supreme Court, or follow the clear procedure of the Texas Family Code § 263.401, and dismiss the case brought by TDFPS, on Monday, December 14, 2015, as this was the first Monday following the one-year anniversary TDFPS was appointed temporary Managing Conservator of the Children, Judge Sheri Y. Dean and or Associate Judge Beverly Malazzo failed to provide due process to this Plaintiff Christina Michelle Cruise, as secured by the 14th Amendment to the United States Constitution.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co- Conspirators, namely Judge Sheri Y. Dean, committed and caused to be committed in the

309th Judicial District Harris County Texas, in the Southern District of Texas, Houston Division, on or about December 08, 2015, at least one of the following overt acts.

JUDGE SHERI Y. DEAN

Presiding Judge of the 309th Judicial District, extended, without conducting the requisite extension hearing and without rendering the required findings of extraordinary circumstance that necessitate TDFPS continue as Temporary Managing Conservator, the case filed by TDFPS, that seeks termination of the parental rights of the Plaintiff Christina Michelle Cruise. The extension of said case, without conducting the requisite extension hearing and rendering the required findings, by Defendant Judge Sheri Y. Dean, is in violation of Rulings of the Supreme Court of the State of Texas, and in violation of the Texas Family Code § 263.401. Plaintiff Christina Michelle Cruise alleges that pursuant to 14th Amendment Due Process Clause, the Plaintiff should have been afforded an extension hearing, prior to Defendant Judge Sheri Y. Dean extending the case against this Plaintiff brought by TDFPS. *see Texas Family Code § 263.401, See In Re Dept of Family & Protective Services Relator Cite as 273 S.W. 3d 637 (Texas 2009) No. 08-0524 Supreme Court of Texas Argued November 12, 2008 Delivered Jan 9, 2009.*

Judge Sheri Y. Dean failure to provide a Due Process required, extension hearing, and failure to render the required findings, prior to extending the case brought against the Plaintiff by TDFPS, violates this Plaintiff's Constitutional Right of Due Process as secured by the 14th Amendment to the United States Constitution. Said failure to provide Due Process, as secured by the United States Constitution 14th Amendment Section 1, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy Against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #9, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #10

Due Process Violation 14th Amendment Due Process Clause; Failure to Dismiss case on First Monday Following (1) One-Year Anniversary.

Texas Family Code 263.401 – Dismissal after One Year; New Trials; Extension

On or about December 14, 2015, in the 309th Judicial District Harris County Texas, in the Southern District of Texas, Houston Division;

Judge Sheri Y. Dean

while acting under the Color of Law, did knowingly, and willfully, combine, conspire, confederate and agree with Defendants, Sefra Perkins, Associate Judge Beverly Malazzo, of the 309th Judicial District Harris County, and Francie Aguirre, an Attorney for Harris County, Henry "Hank" Whitman, Jr., Commissioner of TDFPS, Kristene Blackstone, Associate Commissioner TDFPS, for CPS, and Tara Biggers, a supervisor at TDFPS, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to Due Process as secured by the 14th Amendment to the United States Constitution.

Plaintiff, Christina Michelle Cruise, alleges that Texas Family Code 263.401 provides for fair procedures, with respect to how long these types of cases can remain on the court's Docket. The statute is clear that the suits must be dismissed on the first Monday after the first anniversary of the date the Department was appointed temporary managing conservator of the children, absent the rendering of a final order or the granting of an extension. *Id.* § 263.401(a); *see In re Tex. Dep't of Family & Protective Servs.*, 210 S.W.3d at 612 ("Subsection 263.401(a) of the

Texas Family Code requires a trial court to dismiss a SAPCR filed by the Department if a final order has not been rendered" by the deadline.).

MANNER AND MEANS

TDFPS was appointed Temporary Managing Conservator on December 8, 2014. Pursuant to statute Texas Family Code § 263.401, the Court of Judge Sheri Y. Dean, the 309th Judicial District Court Harris County Texas, had one (1) year to render a final order. Judge Sheri Y. Dean failed to render a final order before the anniversary date of December 08, 2015. Therefore, pursuant to statute, Texas Family Code § 263.401, Defendant Judge Sheri Y. Dean, had no discretion but dismiss the case on the following Monday. That date would have been December 14, 2015. When Defendant Judge Sheri Y. Dean failed to dismiss, the case against Plaintiff Christina Michelle Cruise that was brought by the TDFPS, on the first Monday following the one (1) year anniversary date, Judge Sheri Y. Dean violated statute Texas Family code 263.401 and acted in violation of ruling of the Supreme Court of the State of Texas, which has stated that dismissal is mandatory. Plaintiff alleges that Defendant Judge Sheri Y. Dean's failure to dismiss the case is an abuse of discretion, violates Statute, and constitutes a Due Process Violation. Pursuant to the 14th Amendment United States Constitution, fair procedures must be offered this Plaintiff, and persons acting under color of law must abide by those fair procedures. Failure to offer and abide by fair procedure by persons acting under the color of law, violates the 14th Amendment Section 1 Due Process Clause.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co- Conspirators, namely Judge Sheri Y. Dean, committed and caused to be committed in the

309th Judicial District Harris County Texas, in the Southern District of Texas, Houston Division, on or about December 08, 2015, at least one of the following overt acts.

JUDGE SHERI Y. DEAN

Presiding Judge of the 309th Judicial District failed to dismiss the case on the first Monday following the anniversary date that TDFPS, was appointed Temporary Managing Conservator. The statute is clear that the case must be dismissed if no final order has been rendered before the anniversary date that TDFPS was appointed temporary managing conservator. The extension of case, beyond the mandatory timeframes, by Defendant Judge Sheri Y. Dean, is in violation of Rulings of the Supreme Court of the State of Texas, and in violation of the Texas Family Code § 263.401. Plaintiff Christina Michelle Cruise alleges that pursuant to 14th Amendment Due Process Clause, fair procedures doctrine, Defendant Judge Sheri Y. Dean had no discretion but dismiss the case, because she had not rendered a final order before the mandatory deadline of one year. Plaintiff alleges that Defendant Judge Sheri Y. Dean's failure to dismiss the case that seeks termination of the parental rights of the Plaintiff, filed by TDFPS, on the first Monday following the one-year anniversary violates her due process rights as secured by the 14th Amendment to the United States Constitution.

Said failure to provide fair procedures as required by the United States Constitution 14th Amendment Section 1 Due Process Clause, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy Against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #10, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #11

**Violation 14th Amendment Due Process Clause. Failure to Dismiss
No Final Order Rendered before 18 months elapsed.**

Texas Family Code 263.401 – Dismissal after One Year; New Trials; Extension

On or about Monday June 13, 2016, in the 309th Judicial District Harris County Texas, in the Southern District of Texas, Houston Division;

Judge Sheri Y. Dean

while acting under the Color of Law, did knowingly, and willfully, combine, conspire, confederate and agree with Defendants, Sefra Perkins, Associate Judge Beverly Malazzo, of the 309th Judicial District Harris County, and Francie Aguirre, an Attorney for Harris County, Henry "Hank" Whitman, Jr., Commissioner of TDFPS, Kristene Blackstone, Associate Commissioner TDFPS, for CPS, and Tara Biggers, a supervisor at TDFPS, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to Due Process as secured by the 14th Amendment to the United States Constitution.

Plaintiff, Christina Michelle Cruise, alleges that Texas Family Code 263.401 provides for fair procedures, with respect to how long these types of cases can remain on the court's Docket.

Texas Family Code 263.401 – Dismissal after One Year; New Trials; Extension provides;

The statute is clear that the suits must be dismissed on the first Monday after the first anniversary of the date the Department was appointed temporary managing conservator of the children, absent the rendering of a final order or the granting of an extension. *Id.* § 263.401(a); *see In re*

Tex. Dep't of Family & Protective Servs., 210 S.W.3d at 612 ("Subsection 263.401(a) of the Texas Family Code requires a trial court to dismiss a SAPCR filed by the Department if a final order has not been rendered" by the deadline.).

Even if a trial court enters an extension order, the suit may be retained on the court's docket for a maximum of 180 days after the one-year dismissal date, and the trial court must make specific provision in the order setting;

- (1) the new dismissal date for not later than the 180-day limit, and
- (2) the trial on the merits for a date that complies with the 180-day limit.

Id. § 263.401(b)(1),

- (3). A trial court may not grant a second extension to retain the suit on the court's docket beyond the 180-day limit. *Id.* § 263.401(c).

MANNER AND MEANS

TDFPS was appointed Temporary Managing Conservator on December 8, 2014. Pursuant to statute Texas Family Code § 263.401, the Court of Judge Sheri Y. Dean, the 309th Judicial District Court Harris County Texas, had one (1) year to render a final order. Judge Sheri Y. Dean failed to render a final order before the anniversary date of December 08, 2015.

Defendant Judge Sheri Y. Dean extended this case for an additional 180-days, Plaintiff alleges extension was unlawful. However, only one, 180 day extension can be granted on cases filed by TDFPS that seek to terminate parental rights.

The math is simple, TDFPS, by their own admission, was appointed temporary managing conservator on December 8, 2014, therefore Defendant Judge Sheri Dean and Co Conspirators

had a maximum of 18 months (the initial 12 months plus a single 6 month (180-day) extension), to obtain a final order terminating the parental rights of Plaintiff Christian Michelle Cruise.

Pursuant to Statute Texas Family Code § 263.401, and rulings on said statutes by the Supreme Court of the State of Texas, the suit had to be dismissed on Monday June 13, 2016. As Monday June 13, 2016 was the first Monday following the end of the single 180-day extension. The court of Judge Sheri Y. Dean, the 309th Judicial District Harris County Texas, pursuant to Statute Texas Family Code § 263.401, had no discretion but to dismiss the case against this Plaintiff that was brought by TDFPS, that sought termination of her parental rights.

When Defendant Judge Sheri Y. Dean failed to dismiss the case against Plaintiff Christina Michelle Cruise, that was brought by the TDFPS, on Monday, June 13, 2016, Judge Sheri Y. Dean violated statute Texas Family code 263.401 and acted in violation of rulings of the Supreme Court of the State of Texas.

Plaintiff alleges that Defendant Judge Sheri Y. Dean's failure to dismiss the case constitutes a Due Process Violation. Pursuant to the 14th Amendment United States Constitution, fair procedures must be offered this Plaintiff, and persons acting under color of law must abide by those fair procedures. Failure to offer and abide by fair procedure by persons acting under the color of law violates the 14th Amendment Section 1 Due Process Clause.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co- Conspirators, namely Judge Sheri Y. Dean, committed and caused to be committed in the 309th Judicial District Harris County Texas, in the Southern District of Texas, Houston Division, on or about Monday June 13, 2016, at least one of the following overt acts.

JUDGE SHERI Y. DEAN

Presiding Judge of the 309th Judicial District failed to dismiss the case on Monday June 13, 2016 as that is the first Monday following the one-year anniversary date and the single 180-day extension, of the date that TDFPS, was appointed Temporary Managing Conservator. The statute is clear that if the case is extended, only one 180-day extension may be granted. The case must be dismissed if no final order has been rendered before the end of the single 180-day extension. The extension of case, beyond the mandatory timeframes, by Defendant Judge Sheri Y. Dean, is in violation of Rulings of the Supreme Court of the State of Texas, and in violation of the Texas Family Code § 263.401.

Plaintiff Christina Michelle Cruise alleges that pursuant to 14th Amendment Due Process Clause, fair procedures doctrine, Defendant Judge Sheri Y. Dean had no discretion but dismiss the case, because she had not rendered a final order before the mandatory deadline of one year plus the single 180-day extension. Plaintiff alleges that Defendant Judge Sheri Y. Dean's failure to dismiss the case that seeks termination of the parental rights of the Plaintiff, filed by TDFPS, on the Monday June 13, 2016, violates her due process rights as secured by the 14th Amendment to the United States Constitution.

Said failure to provide fair procedures as required by the United States Constitution 14th Amendment Section 1 Due Process Clause, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, and gives rise to this Cause of Action #11, under Title 42 United States Code Section 1983.

RELIEF REQUESTED

WHEREFORE, plaintiff prays judgment against defendants and each of them, as follows:

1. That the Honorable Court grants the Plaintiff Temporary Injunction as contained in Plaintiff's Motion for Preliminary Injunction.
2. That the Honorable Court grants the Plaintiff permanent injunction, enjoining the Defendants from violating those rights secured to the Plaintiff by the United States Constitution Fourth (4th) Amendment Prohibition against unreasonable search, Fourth (4th) Amendment Prohibition against unreasonable seizure, and Fourteenth (14th) Amendment Prohibition against Deprivation of Life, Liberty, or Property without Due Process of Law.
3. That the Honorable Court retain jurisdiction over the matter and over the parties so that the Court may issue further orders to effectuate its final orders and judgments.
4. That the Honorable Judge grant Declaratory Relief Declaring that Defendants' entry into the Premises of the Plaintiff on or about December 05, 2014, without court order, without exigent circumstances and without permission, violates the United States Constitution 4th Amendment Prohibition against unreasonable search.
5. That the Honorable Judge grant Declaratory Relief Declaring that Defendants' entry into the Premises of the Plaintiff on or about December 08, 2014, without court order, without exigent circumstances and without permission, violates the United States Constitution 4th Amendment Prohibition against unreasonable search.
6. That the Honorable Judge grant Declaratory Relief, Declaring that Defendants' failure to follow the procedures to obtain a valid court order that would have authorized entry into

the premises of the Plaintiff, on or about December 05, 2014, violates the Due Process Clause of 14th Amendment.

7. That the Honorable Judge grant Declaratory Relief, Declaring that Defendants' failure to follow the procedures to obtain a valid court order that would have authorized entry into the premises of the Plaintiff, on or about December 08, 2014, violates the Due Process Clause of 14th Amendment.
8. That the Honorable Judge grant Declaratory Relief Declaring that the seizure of Child 'A' in the Premises of the Plaintiff on or about December 08, 2014, without court order, without exigent circumstances and without permission, violates the United States Constitution 4th Amendment Prohibition against unreasonable seizure.
9. That the Honorable Judge grant Declaratory Relief Declaring that the seizure of Child 'B' in the Premises of the Plaintiff on or about December 08, 2014, without court order, without exigent circumstances and without permission, violates the United States Constitution 4th Amendment Prohibition against unreasonable seizure.
10. That the Honorable Judge grants Declaratory Relief Declaring that the Failure of Judge Sheri Y. Dean to dismiss the case, brought by TDFPS that seeks termination of the Parental rights of Christina Michelle, on or about December 14, 2015, the First Monday following the one-year anniversary pursuant to *Texas Family Code* § 263.401(a), violates the 14th Amendment Due Process Clause.

11. That the Honorable Judge grants Declaratory Relief Declaring that the failure of Judge Sheri Y. Dean and or Associate Judge Beverly Malazzo to make specific findings to support the extension order, in the case brought by TDFPS that seeks termination of the Parental rights of Christina Michelle, prior to extending the case, violates the 14th Amendment Due Process Clause. *Texas Family Code § 263.401(b)*.
12. That the Honorable Judge grants Declaratory Relief Declaring that the failure of Judge Sheri Y. Dean and or Associate Judge Beverly Malazzo to dismiss the case, brought by TDFPS that seeks termination of the Parental rights of Christina Michelle, on Monday June 13, 2016, the First Monday following the one-year anniversary and the single 180-day extension, violates the 14th Amendment Due Process Clause.
Texas Family Code § 263.401(c).
13. That the Honorable Judge grants Declaratory Relief Declaring that the Defendants' conspiracy to execute an unreasonable search, of the premises of the Plaintiff on December 05, 2014, constitutes a Federal Felony under Title 18 United States Code 241 Conspiracy against rights.
14. That the Honorable Judge grants Declaratory Relief Declaring that the Defendants' conspiracy to execute an unreasonable search, of the premises of the Plaintiff on December 08, 2014, constitutes a Federal Felony under Title 18 United States Code 241 Conspiracy against rights.
15. That the Honorable Judge grants Declaratory Relief Declaring that each Defendant's failure to report each Federal Felony under Title 18 United States Code 241 Conspiracy

against rights, constitutes a Federal Felony under Title 18 United States Code 4 Misprision of a Felony.

16. That the Honorable Judge grant Declaratory Relief declaring that Defendants failure to present sworn affidavits, that describe with particularity, events that rise to the level of abuse or neglect as described in Texas Family Code Definitions § 261.001, deprives the court of Sheri Y. Dean of subject matter jurisdiction, thereby rendering the orders and judgments of the court of Sheri Y. Dean void.
17. That the Honorable Judge grants Declaratory Relief Declaring that “Rebellion”, as used the United States Constitution 14th Amendment Section 3, is defined in Black’s Law Dictionary 9th Edition, as “*Open resistance or opposition to an authority or tradition.*”
18. That the Honorable Judge grants Declaratory Relief Declaring that each Defendant, as Executives or Judicial Officers, conspiring to commit rebellion, “*Open resistance or opposition to an authority or tradition*”, against the superiority authority of the United States Constitution 4th Amendment Prohibition against unreasonable **searches**, disqualifies such Executives and or Judicial Officers from holding Public Office, pursuant to United States Constitution 14th Amendment Section 3.
19. That the Honorable Judge grants Declaratory Relief Declaring that each Defendant, as Executives or Judicial Officers, conspiracy to commit rebellion, “*Open resistance or opposition to an authority or tradition*”, against the superiority authority of the United States Constitution 4th Amendment Prohibition against unreasonable **seizures**, disqualifies

such Executives and or Judicial Officers from holding Public Office, pursuant to United States Constitution 14th Amendment Section 3.

20. That the Honorable Judge grants Declaratory Relief Declaring that each Defendant, as Executives or Judicial Officers, conspiracy to commit rebellion, "*Open resistance or opposition to an authority or tradition*", against the superiority authority of the United States Constitution 14th Amendment Due Process Clause, disqualifies such Executives or Judicial Officers from holding Public Office, pursuant to United States Constitution 14th Amendment Section 3.

21. That the Honorable Judge grants against all Defendants, excluding Judge Sheri Y. Dean and Associate Judge Beverly Malazzo, Compensatory Damages.

22. That the Honorable Judge grants against all Defendants, excluding Judge Sheri Y. Dean and Associate Judge Beverly Malazzo, Punitive Damages.

23. That the Honorable Judge grants such other and further relief as the court deems proper.

Dated _____

Christina Michelle Cruise

VERIFICATION

I am Christina Michelle Cruise. I am the Plaintiff in the above-entitled action. I have read the foregoing Civil Rights Complaint pursuant to Section 1983 and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Houston, Texas.

DATED: _____

Christina Michelle Cruise

Plaintiff: Christina Michelle Cruise Pro Se
Address: 3030 Hirschfield Rd Apt 23C Spring TX 77373
Phone#: (520) 233-4848
Email address: teralynncamp2010@gmail.com

UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION		
CHRISTINA CRUISE)	
Plaintiff)	
v	)	No. _____
SHERI Y. DEAN, BEVERLY MALAZZO	)	MOTION FOR PRELIMINARY
SEFRA PERKINS, TARA BIGGERS	)	INJUNCTION
HENRY "HANK" WHITMAN, JR.,	)	(Fed. R. Civ. P. 65(a))
KRISTENE BLACKSTONE)	
FRANCIE AGUIRRE)	
Defendants)	

RELIEF SOUGHT

Plaintiff moves the court for a preliminary injunction pending the final judgment in this action. The preliminary injunction will enjoin the Defendants, Sheri Y. Dean, Beverly Malazzo, Sefra Perkins, Tara Biggers, Henry "Hank" Whitman, Jr., Kristene Blackstone, Francie Aguirre, these defendant's agents, servants, employees, and attorneys, and all persons in active concert and participation with these defendants:

- a. To cease from depriving, or attempting to deprive, Plaintiff Christina Michelle Cruise, of those Privileges and Immunities that are secured to her by the United States Constitution's, Fourth (4th) Amendment, Right to be free from unreasonable searches, the Fourth (4th) Amendment, Right to be free from unreasonable seizures, and the Fourteenth (14th) Amendment Right to Due Process.

- b. To Disclose to this Plaintiff, Christina Michelle Cruise, each and every instance that Defendants, and any of their employees, agents and successors, and all other persons in active concert or participation with them, have deprived or attempted to deprive this Plaintiff, Christina Michelle Cruise of any rights, privileges, or immunities, that are secured to this Plaintiff, by the United States Constitution and the Federal laws enacted thereunder.

- c. To Disclose to this Plaintiff, Christina Michelle Cruise, each and every instance that Defendants, and any of their employees, agents and successors, and all other persons in active concert or participation with them, have deprived or attempted to deprive, any other person, of any rights, privileges, or immunities, that are secured, by the United States Constitution and the Federal laws enacted thereunder.

GROUND'S FOR RELIEF

In order for injunctive relief to be appropriate, the movant must establish four requirements:

(1) Substantial likelihood of success on the merits; (2) Substantial threat of irreparable harm

absent an injunction; (3) A balance of hardships in [the moving party's] favor, and; (4) No disservice to the public interest. *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 582 (5th Cir. 2013). As explained below, Plaintiff here easily meets these requirements.

(1) Substantial Likelihood of Success on the Merits.

As Plaintiff detailed in her Section 1983 Complaint, Defendants violated the Plaintiff's Constitutional Rights. Defendants violated the Constitutional rights of this Plaintiff as secured by the 4th Amendment Prohibition against unreasonable searches, when Defendants executed and unreasonable search, of the premises of this Plaintiff, on or about December 05, 2014. Said search was unreasonable because the search was without court order, without exigent circumstances and without permission.

Defendants violated the Plaintiff's Constitutional Rights as secured by the 4th Amendment Prohibition against unreasonable searches, when Defendants executed and unreasonable search of the premises of this Plaintiff on or about December 08, 2014. Said search was unreasonable because the search was without court order, without exigent circumstances and without permission.

Defendants violated the Plaintiff's Constitutional Rights as secured by the 4th Amendment Prohibition against unreasonable seizures, when Defendants executed and unreasonable seizure in the premises of this Plaintiff on or about December 08, 2014. Defendants seized the Biological Children of the Plaintiff and placed the children in the Temporary Conservatorship of Texas Department of Family and Protective Services. Said seizure was unreasonable because the seizure was without court order, without exigent circumstances and without permission.

Plaintiff alleges that said searches and subsequent seizures violate the 14th Amendment Due Process Clause. One of the principles of Due Process is that the Government must follow fair procedures when depriving persons of rights secured by the United States Constitution and laws enacted thereunder. Plaintiff alleges that the failure of Defendants, to present witness affidavits, sworn to by witnesses to the alleged child abuse or neglect, to a judge, in order to obtain a valid court order that would have authorized them to execute a search and seizure at the home is a violation of the 14th Amendment Due Process Clause.

Plaintiff alleges that violation of the United States Constitution 4th and 14 Amendments inflicts upon the Plaintiff irreparable injury. Irreparable injury is grounds for injunctive relief.

The extraordinary equitable remedy of an injunction requires that a plaintiff demonstrate that, without injunctive relief, he will suffer an irreparable injury for which damages are an inadequate remedy. *Jones v. Am. Council on Exercise*, 245 F. Supp. 3d 853 (S.D. Tex. 2017)

Basis of injunctive relief in federal courts has always been irreparable harm and inadequacy of legal remedies. *Rondeau v. Mosinee Paper Corp.*, 422 U.S. 49, 95 S. Ct. 2069, 45 L. Ed. 2d 12 (1975).

“An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by a certain pecuniary standard.” *Butnaru*, 84 S.W.3d at 204. *Conrad Constr. Co., Ltd v. Freedmen's Town Pres. Coal.*, 491 S.W.3d 12, 15 (Tex. App. 2016)

Issuance of preliminary mandatory injunction is proper only if mandatory order is necessary to prevent irreparable injury or extreme hardship. *Iranian Muslim Org. v. City of San Antonio*, 615 S.W.2d 202 (Tex. 1981)

Plaintiff is likely to succeed on the merits because Defendants violations of the United States Constitution 4th and 14th Amendments inflicts upon the Plaintiff irreparable injury. Injunctive relief is proper to prevent irreparable injury.

(2) Substantial Threat of Irreparable Harm Absent An Injunction;

Unless this Court grants the requested injunction, the Plaintiff will continue to be threatened and intimidated with the possibility of unreasonable searches and seizures. Plaintiff has suffered and continues to suffer from flashbacks and nightmares from December 05, 2014 and December 08, 2014 when Defendants, accompanied by armed officers barged into her home without warrant, without permission, and without exigent circumstances, and seized her Biological Children. Plaintiff has suffered irreparable harm from Defendants' actions herein complained of. Plaintiff has no other adequate remedy to assert those protections as secured by the United States Constitution. Unless restrained by Order of this Court, Defendants will continue to refuse to provide Christina Michelle Cruise, with the full and equal enjoyment of rights secured to her by The United States Constitution Fourth (4th) and Fourteenth (14th) Amendments.

(3) A balance of hardships in [the moving party's] favor;

The threatened injury outweighs the harm the injunction may cause opposing party; because Plaintiff has suffered, and continues to suffer irreparable harm while Defendants' have no harm because they are not entitled to violate the Fourth (4th) and Fourteenth (14th) Amendments to the United States Constitution.

(4) No disservice to the public interest.

The injunction, if issued, will not adversely affect the public interest. Plaintiff alleges that it is in the Public Interest to protect her Constitutional Rights during the pendency of this case. The Fourth Circuit has held that in the context of a request for preliminary injunction, “upholding constitutional rights surely serves the public interest”. *Bason 303 F.3d at 521*. The court agrees and finds that it is in the public interest to protect plaintiff’s constitutional rights pending resolution of this case. *Doe v. Pittsylvania County, VA. 842 F.Supp.2d at 927*.

The facts showing Defendants’ prior and ongoing conduct that deprive Plaintiff of her Constitutional Rights without Due Process, are set forth in the Verified Complaint and the supporting Declaration of the Plaintiff Christina Michelle Cruise.

There is between the parties an actual controversy as herein set forth. The plaintiff is suffering irreparable injury and is threatened with irreparable injury in the future by reason of the acts herein complained of.

Plaintiff has no plain, adequate, or complete remedy to redress the wrongful acts herein complained of, other than this action for preliminary and permanent injunction. Any other remedy to which plaintiff could be remitted would be attended by such uncertainties and delays as would deny substantial relief and would cause further irreparable injury, damage, and inconvenience to the plaintiff. Plaintiff has suffered irreparable harm in the past and is threatened with irreparable harm unless the requested injunctive relief is granted. There is no reason to believe that Defendants will cease this unconstitutional practice without injunctive relief from this Court.

Plaintiff Requests the Court Set Bond at Zero Dollars

Federal Rule of Civil Procedure Rule 65(c) requires that the party seeking a preliminary injunction give security “in an amount the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined.”

While a district court may not fail to address the bond requirement altogether, the “court retains the discretion to set the bond amount as it sees fit or waive the security requirement.” *See Pashby v. Delia*, No. 11-2363, 2013 WL 791829, at (4th Cir. Mar. 5, 2013) (citing *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 421 (4th Cir. 1999)).

The Fourth Circuit has recognized that “[t]he amount of the bond . . . ordinarily depends on the gravity of the potential harm to the enjoined party.” *Hoechst*, 174 F.3d 411.

Where the district court determines that the risk of harm is remote, or that the circumstances otherwise warrant it, the court may fix the amount of a preliminary injunction bond accordingly, and in some circumstances, a nominal bond may suffice. *Fed. Rules Civ. Proc. Rule 65(c)*, 28 U.S.C.A. *Hoechst*, 174 F.3d 411.

The district court may dispense with security for a grant of preliminary injunction where there has been no proof of likelihood of harm to the party enjoined. *Fed. Rules Civ. Proc. Rule 65(c)*. *Int'l Controls Corp. v. Vesco*, 490 F.2d 1334 (2d Cir. 1974).

Plaintiff, therefore, requests the Court set bond at zero (0) dollars as there is no risk of loss to the Defendants.

Motion Papers

This Motion is based on this document, on the Verified Complaint and all other Pleadings and papers on file in this action.

Dated _____

Christina Michelle Cruise

Plaintiff: Christina Michelle Cruise Pro Se
Address: 3030 Hirschfield Rd Apt 23C Spring TX 77373
Phone#: (520) 233-4848
Email address: teralynncamp2010@gmail.com

UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION		
CHRISTINA CRUISE)	
Plaintiff)	
v	)	No. _____
SHERI Y. DEAN, BEVERLY MALAZZO	)	CIVIL RIGHTS COMPLAINT
SEFRA PERKINS, TARA BIGGERS	)	TITLE 42 U.S.C §1983
HENRY "HANK" WHITMAN, JR.,	)	COMPLAINT for
KRISTENE BLACKSTONE	)	DECLARATORY,
FRANCIE AGUIRRE	)	INJUNCTIVE, and
Defendants	)	COMPENSATORY RELIEF
	)	and PUNITIVE DAMAGES

ORDER TO SHOW CAUSE

WHY PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED

Upon reading and filing the Complaint in this cause and the affidavit and exhibits attached to it, it is on
[specification of date _____], Ordered, that Defendants Sheri Y. Dean, Beverly Malazzo,
Sefra Perkins, Tara Biggers, Henry "Hank" Whitman, Jr., Kristene Blackstone, Francie Aguirre, show

cause before the United States District Court at 515 Rusk Street Houston Texas 77002, on *[date of hearing_____]*, at *[time of hearing_____]*, or as soon thereafter as counsel can be heard, why an injunction should not issue according to the prayer of the Complaint and for such further relief as may be just. It is further Ordered that a copy of the complaint and affidavit and of this order, which copies need not be certified, be served on Defendants respectively within *[number of days_____]* days from the date of this order.

Dated: _____

United States District Judge

Plaintiff: Christina Michelle Cruise Pro Se
Address: 3030 Hirschfield Rd Apt 23C Spring TX 77373
Phone#: (520) 233-4848
Email address: teralynncamp2010@gmail.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

CHRISTINA CRUISE

Plaintiff

v

SHERI Y. DEAN, BEVERLY MALAZZO

SEFRA PERKINS, TARA BIGGERS

HENRY "HANK" WHITMAN, JR.,

KRISTENE BLACKSTONE

FRANCIE AGUIRRE

Defendants

)
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)
)
)

No. _____

ORDER FOR PRELIMINARY

INJUNCTION

(Fed. R. Civ. P. 65(a))

ORDER GRANTING PRELIMINARY INJUNCTION

This cause was heard on the motions of Plaintiffs for a preliminary injunction, and due notice was given to Defendants. The court has considered the stipulation of facts entered into by all the parties and has considered the arguments of counsel, and finds that Plaintiff has alleged and made a prima facie case that Plaintiff has been subjected to violation of rights secured by the United States Constitution and the Laws enacted there under. Said violations of Constitutional

Rights as secured to her by Federal Laws and the United States Constitution Fourth (4th) Amendment Prohibition against unwarranted entry, Fourth (4th) Amendment Prohibition against unreasonable seizure, and Fourteenth (14th) Amendment Due Process against defendants, all of whom, at all times relevant to acts herein complained of, were acting under the color of law.

Plaintiff has alleged and made a prima facie case that she is threatened with future violations those rights that are secured by the United States Constitution and the laws enacted thereunder. Said Constitutional violations subjects the Plaintiff to irreparable injury, warranting injunctive relief.

In order for injunctive relief to be appropriate, the movant must establish four requirements:

(1) Substantial likelihood of success on the merits; (2) Substantial threat of irreparable harm absent an injunction; (3) A balance of hardships in [the moving party's] favor, and; (4) No disservice to the public interest. *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 582 (5th Cir. 2013).

This court finds that Plaintiff has met her burden of proof for the issuance of Preliminary Injunction.

It is Ordered, Adjudged and Decreed that, pending further order of this court, the Defendants, Sheri Y. Dean, Beverly Malazzo, Sefra Perkins, Tara Biggers, Henry "Hank" Whitman, Jr., Kristene Blackstone, Francie Aguirre, its officers, agents, representatives, employees and successors, and all other persons in active concert and participation with it, are restrained and enjoined:

- a. To cease from depriving, or attempting to deprive, Plaintiff Christina Michelle Cruise, of those Privileges and Immunities that are secured to her by the United States Constitution's, Fourth (4th) Amendment, Right to be free from unreasonable searches, the Fourth (4th) Amendment, Right to be free from unreasonable seizures, and the Fourteenth (14th) Amendment Right to Due Process.
- b. To Disclose to this Plaintiff, Christina Michelle Cruise, each and every instance that Defendants, and any of their employees, agents and successors, and all other persons in active concert or participation with them, have deprived or attempted to deprive this Plaintiff, Christina Michelle Cruise of any rights, privileges, or immunities, that are secured to this Plaintiff, by the United States Constitution and the Federal laws enacted thereunder.
- c. To Disclose to this Plaintiff, Christina Michelle Cruise, each and every instance that Defendants, and any of their employees, agents and successors, and all other persons in active concert or participation with them, have deprived or attempted to deprive, any other person, of any rights, privileges, or immunities, that are secured, by the United States Constitution and the Federal laws enacted thereunder.

It is Further Ordered, Adjudged and Decreed that this Order shall be effective from and after
[effective time of order _____], [effective date of order _____].

It is Further Ordered, Adjudged and Decreed that Plaintiff is not required to post Bond as there is no likelihood of harm to Defendants from the issuance of this Preliminary Injunction.

Dated: _____

United States District Judge