

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil action No: 18-cv-02948-GPG

Jeffrey T. Maehr
Plaintiff,

v.

UNITED STATES
Defendant

MOTION TO AMEND

Per the court's order, plaintiff "*must file a motion to amend and submit the entire and complete amended pleading he seeks to file,*" plaintiff comes before this honorable court with this Motion to Amend his previously filed brief on case number above, with attached "amended brief" on court approved documents to court.

Respectfully submitted,



Jeffrey T. Maehr

924 E. Stollsteimer Rd.,

Pagosa Springs, Colorado [81147]

970-731-9724

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS
Jeffrey T. Maehr
(b) County of Residence of First Listed Plaintiff Archuleta
(c) Attorneys (Firm Name, Address, and Telephone Number)
Pro Se

DEFENDANTS
U.S. Department of State; U.S. Congress;
County of Residence of First Listed Defendant D.C.
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff) and One Box for Defendant
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for Nature of Suite Code Descriptions

CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1. Original Proceeding
2. Removed from State Court
3. Remanded from Appellate Court
4. Reinstated or Reopened
5. Transferred from another district (specify)
6. Multidistrict Litigation
8. Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
5th & 14th Amendment due process violations; Unconstitutional statute/law application
Brief description of cause: Erroneous assessment certification depriving travel rights without due process of law

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ 10000000.00
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE See attached DOCKET NUMBER 18-cv-02273-GPG-NRN

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:18-cv-02948
(To be supplied by the court)

Jeffrey T. Maehr, Plaintiff

v.

U.S. State Department; (U.S.)

U.S. Congress; (U.S.)

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names of the defendants listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Jeffrey T. Maehr, 924 E. Stollsteimer Rd., Pagosa Springs, Colo 81147

(Name and complete mailing address)

970-731-9724

(Telephone number and e-mail address)

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: U.S. State Department, 2201 C Street, N.W. Washington, D.C. 20520

(Name and complete mailing address)

202-647-4000

(Telephone number and e-mail address if known)

Defendant 2: U.S. Congress, Washington D.C. (address unavailable)

(Name and complete mailing address)

(Telephone number and e-mail address if known)

Defendant 3:

(Name and complete mailing address)

(Telephone number and e-mail address if known)

Defendant 4:

(Name and complete mailing address)

(Telephone number and e-mail address if known)

C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check one)



Federal question pursuant to 28 U.S.C. § 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case.

Unconstitutional depriving plaintiff of travel rights without due process of law

under 5th and 14th Amendments



Diversity of citizenship pursuant to 28 U.S.C. § 1332 (a matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000)

Plaintiff is a citizen of the State of _____.

If Defendant 1 is an individual, Defendant 1 is a citizen of _____.

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of _____ (name of state or foreign nation).

Defendant 1 has its principal place of business in _____ (name of state or foreign nation).

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: Unconstitutional depriving plaintiff of rights without due process

Supporting facts: See attached

CLAIM TWO: Unconstitutional law created which bars due process of law

Supporting facts: See attached

E. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "E. REQUEST FOR RELIEF."

See Attached

F. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

(Plaintiff's signature)

(Date)

(Revised December 2017)

D. Statement of Claims - U.S. District Court, Colorado 18-cv-02948

1. The U.S. State Department applied a law depriving plaintiff of passport travel rights without evidence of assessment validity, or evidence of due process of law for plaintiff when applying it, especially since suit is in progress in multiple courts, which IRS/U.S., failed to acknowledge or notify the State Department of.

Despite ongoing litigation on these issues, defendant has continued to move against plaintiff in making this frivolous certification to the U.S. State Department to further damage plaintiff without due process of law, and in violation of standing laws regarding further action while suit is pending.

Plaintiff received certification dated July 16, 2018 from defendant (as described in case # 18-cv-02273), sent to the U.S. State Department certifying an, as yet, unproven assessment, and that plaintiff's liberty with regard to his passport was being removed under the "FAST" act and IRC 7345, without due process of law in evidence on this further damage and removal of liberty, besides previously deprived property.

D. Statement of Claims: Jeffrey T. Maehr, 18-cv-02948

The FAST act “prohibits” the State Department from “*issuing or renewing*” a passport, or could, quote... “*revoke your passport or limit your ability to travel..*” for anyone with a “certified” assessment debt to the U.S. government.

Since plaintiff’s first brief filing on this passport case, he contacted the U.S. State Department regarding his passport status and was finally provided a document that plaintiff’s passport has officially been revoked (See attached state department acknowledgment) and plaintiff is now prevented from travel for work or pleasure outside these united States. This right has been prevented recently, due to the threat alone, from traveling outside the United States which travel was available. This now is an injury in fact and not a hypothetical, or as yet, unrealized damage.

The assessment which defendant is using for “certification” to the U.S. State Department is being adjudicated in a separate case in this court (18-cv-02273) and has not been resolved. Assessment and larger liability issues are in the U.S. Court of Appeals for the Federal Circuit in DC (18-2286), are still in process.

This is a violation of plaintiff’s clear 5th and 14th Amendment rights to not be

D. Statement of Claims: Jeffrey T. Maehr, 18-cv-02948

deprived of liberty without due process, and without any evidence of the alleged debt supporting the certification, and certainly when the assessment itself, alone, has, prior to the certification, been challenged without rebuttal or due process to date, and is still in litigation.

Deprivation of passport rights is an error on several issues;

1. The assessment supporting the certification the U.S. State department relied upon is unproven, being litigated, and again violated due process in plaintiff's case.
2. The deprivation of passport travel rights, without further due process for removal under 5th and 14th Amendments, stands alone as a violation and sheds light on the unconstitutional nature of the law which does not allow the action against plaintiff to be challenged via the State Department itself, or provide for any mechanism to validate through first hand knowledge testimony from a real person claiming authority to certify the certification itself is valid and lawful. Why continue damaging plaintiff when lawful challenges were in place?

D. Statement of Claims: Jeffrey T. Maehr, 18-cv-02948

3. The U.S. State Department, in utilizing the above stated statutes and code regulations, failed to establish evidence to substantiate certification with supporting evidence, and thus, to challenge, as a fiduciary duty, said deprivation of passport right without evidence in fact which should have been a matter of due process of law.

4. The reliance by the U.S. State Department on IRS hearsay certification alone is a failure of the due process clause where further damaging action is set in motion.

Complaint 2. The U.S. Congress (House and Senate legislative actors) created and passed the “FAST” act and IRC 7345 which deprives plaintiff, and all others similarly situated, of their right to travel without valid and substantiated proof of due process of law supporting such assessment certification and subsequent deprivation, especially where already challenged.

The U.S. Congress created and passed the “FAST” act and IRC 7345 without legislation stipulating the requirement for valid proof of debt, by someone named

D. Statement of Claims: Jeffrey T. Maehr, 18-cv-02948

with first hand knowledge of the evidence in the case, and showing evidence of due process being of record where rebuttal or challenge is of record .

This vague and unconstitutional law allows the U.S. State Department to rely solely on the FAST act and IRC 7345 to deprive plaintiff, and any American similar situated, of right to travel outside the united States union using their personal lawfully-issued passport by the State Department for such travel, and does not provide for supporting evidence being of record beyond hearsay and presumption. This violates plaintiff's and all other American's similarly situated rights to due process under the 5th and 14th Amendments.

The court stated...

“Congress is absolutely immune from claims stemming from “purely legislative activities,” *see United States v. Brewster*, 408 U.S. 501, 512 (1972), and federal courts lack jurisdiction to direct Congress “to enact or amend legislation,” *Newdow v. Congress*, 328 F.3d 466, 484 (9th Cir. 2003), *rev'd on other grounds*, 542 U.S. 1 (2004). “

Plaintiff asks the court to point out what laws are NOT “purely legislative activities” given that the legislature is the “sole” maker of laws under our constitution. Congress cannot pass unconstitutional laws, which by law, become

D. Statement of Claims: Jeffrey T. Maehr, 18-cv-02948

legislatively void from their inception, per U.S. Supreme Court decided cases. The Federal Courts CAN declare a law as unconstitutional, or “void for vagueness” of constitutional validity, (as is routinely done these days), based on the merits of this argument, but it is up to Congress to act according to the court’s rulings to correct the law as declared so it is not a void law, or challenge the court’s conclusion. In any case due process violations are unconstitutional and are of record.

Plaintiff also demands a jury trial for proper and full adjudication of all evidence of record.

Plaintiff also, once again... requests that his application for right to “*assistance of counsel*” be recognized and for appointment of “*assistance of counsel*” as previously applied for due to plaintiff’s *in forma pauperis* status, but not as yet previously ruled upon or responded to.



Jeffrey T. Maehr
924 E. Stollsteimer Rd.,
Pagosa Springs, Colorado 81147
970-731-9724

D. Statement of Claims: Jeffrey T. Maehr, 18-cv-02948



United States Department of State

Washington, D.C. 20520

DEC - 4 2018

Jeffrey Thomas Maehr
924 East Stollsteimer Place
Pagosa Springs, CO 81147

Copy

Dear Mr. Maehr:

The Department of State has revoked U.S. Passport number 522932538, issued to you on December 5, 2014, along with any other valid passports issued to you, pursuant to 22 C.F.R. §§ 51.60 (a)(3) and 51.62 (a)(1). These regulations provide that a U.S. passport may be revoked when the bearer is certified by the Secretary of the Treasury as having a seriously delinquent tax debt as described in 26 U.S.C. §7345. The regulations cited in this letter may be found at <http://www.ecfr.gov>.

The Secretary of the Treasury has certified to the Department of State that you have a seriously delinquent tax debt, in accordance with 26 U.S.C. §7345. Therefore, you are not entitled to hold a U.S. passport and your passport is revoked pursuant to 22 C.F.R. §§ 51.60 (a)(3) and 51.62 (a)(1). You may reapply for a passport once the Secretary of the Treasury has certified to the U.S. Department of State that you have satisfied your tax obligations.

Under 22 C.F.R. §§ 51.7 and 51.66, the U.S. passport remains the property of the U.S. Government and must be surrendered upon demand. Please immediately return U.S. Passport number 522932538, along with any other valid U.S. passports issued to you, to the following address: U.S. Department of State, attn.: RJ62, CA/PPT/S/L/LA, 44132 Mercure Circle, P.O. Box 1227, Sterling, VA 20166-1227.

There is no administrative review or appeal before the Department of State. The Department of State has no further information concerning your tax obligations and cannot override the Secretary of the Treasury's determination. All questions regarding your tax obligations must be addressed with the Internal Revenue Service (IRS). If you believe you have satisfied your tax obligations, you may write to the IRS at the following address: Department of the Treasury, Internal Revenue Service, Attn: Passport, P.O. Box 8208, Philadelphia, PA 19101-8208. You may also call the IRS at: (domestic) 1-855-519-4965 or (international) 1-267-941-1004.

Sincerely,

Bureau of Consular Affairs
Passport Services
Office of Legal Affairs and
Law Enforcement Liaison

E. Request for Relief - 18-cv-02948

Plaintiff moves the court to provide the following relief:

1. A jury trial to properly adjudicate this issue.
2. ORDER defendant to immediately reissue new and updated U.S. Passport.
3. ORDER defendant to pay attorney fees under 34 CFR 21.1 - Equal Access to Justice Act. For 100 hours of defense at \$250/hour. Plaintiff's time and resources are worth no less than the average attorney in defending his rights.
4. ORDER compensatory damages for pain, suffering, exacerbation of veteran disabilities, prevention of International travel only recently, and the prevention of travel for business offer to be employed which requires International travel... likely to be months of interference amounting to \$10,000 minimum per month damages since threat of rescinding and date of certification. Documentation verifying this work position available.
5. ORDER compensatory damages as stipulate in Civil Cover Sheet due to defendant's vindictiveness and flagrant disregard for the rule of law, and plaintiff's defending against unlawful actions, and for continuing damaging action against plaintiff despite pending litigation challenging the relevant issue.
6. Or, as this court deems right and just recompense for all the above issues, and to deter recidivism.

Jeff Maehr
18-cv-02948-GPG

VIII: Related Cases

U.S. Court of Appeals-Federal Circuit; Case # 18-2286

U.S. District Court, Colorado; Case # 18-cv-02273