

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

FREDERICK SMITH

PLAINTIFF

v.

Case No. 3:16-cv-00089-KGB

**U.S. DEPARTMENT OF EDUCATION;
BRIAN BEERS; and
PHILLIP CARTER**

DEFENDANTS

ORDER

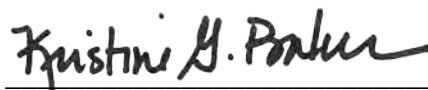
Before the Court is plaintiff Frederick Smith's complaint, motion to proceed *in forma pauperis*, and motion styled as "declaration of exempt filing fee status." On January 29, 2018, Mr. Smith originally tendered to the Clerk for filing his complaint and motions. On March 2, 2018, Mr. Smith tendered to the Clerk for filing the identical complaint and motions. On March 12, 2018, Mr. Smith tendered to the Clerk for filing a motion for the Clerk of Court to initiate service of process. On March 16, 2018, Mr. Smith tendered to the Clerk for filing a proposed scheduling order with notice of jury trial sought and a demand for jury trial. Copies of these documents are attached to this Order. Mr. Smith is on the restricted filers list maintained by the Clerk of the Court. Based on this status, the Court must first review Mr. Smith's complaint and motion to proceed *in forma pauperis*. Based on Mr. Smith's application, he has neither the funds nor the income to pay the filing fee. Therefore, the Court grants Mr. Smith's motion to proceed *in forma pauperis* and will permit Mr. Smith to proceed without prepayment of the filing fee.

Based on Mr. Smith's status as a restricted filer and based on the filings he has submitted for consideration, the Court determines that Mr. Smith may not proceed with his current claims because they are duplicative of the complaint in this action previously filed by Mr. Smith. "[28 U.S.C. §] 1915(d) allows federal courts to dismiss frivolous or malicious actions that are filed in

forma pauperis,” including “duplicative complaints.” *Aziz v. Burrows*, 976 F.2d 1158, 1158 (8th Cir. 1992). The Court finds that the complaint Mr. Smith now proposes to file is duplicative of the complaint filed by Mr. Smith in *Frederick Smith v. U.S. Department of Education, et al.*, 3:16-cv-00089-KGB, (E.D. Ark. May 24, 2016). In the case, Judge D.P. Marshall, Jr., dismissed Mr. Smith’s complaint without prejudice because it did not pass the screening requirements. *Id.* at 4-5. Judge Marshall reasoned that Mr. Smith’s claims under 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution both failed because the act of taking another’s property does not violate the United States Constitution when the state provides an adequate post-deprivation remedy, which Arkansas provides under tort law. *Id.* (citing *Hudson v. Palmer*, 468 U.S. 517, 533 (1984)). In the complaint currently before the Court for consideration, Mr. Smith also alleges that defendants violated state and federal criminal law by transporting goods that were knowingly stolen. Mr. Smith’s claims relating to the transportation of stolen goods fail because, as a general rule, criminal statutes do not create private causes of action. *See e.g., Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973).

In the complaint currently before the Court for consideration, Mr. Smith has raised issues directly related to those alleged and dismissed in his complaint previously filed in this case. He has not cured the deficiencies cited by Judge Marshall previously. Therefore, for these reasons, the Court declines to permit Mr. Smith to proceed with this action and dismisses without prejudice Mr. Smith’s proposed complaint in this action.

It is so ordered this the 24th day of April, 2018.



Kristine G. Baker
United States District Judge

RECEIVED
U.S. DISTRICT COURT
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

Frederick Smith

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

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

DEFENDANTS

**U.S. Department of Education
Brian Beers Special Agent/PHILLIP Carter**

City of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

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)

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

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

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

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Theft of property & Illegal Entering/Trafficking across State line
 Brief description of cause:
Search and seize without Warrant/violated Color Law

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

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

UNITED STATES DISTRICT COURT

for the

Frederick Smith

Plaintiff(s)

v.

U.S Department of Education
Brian Beer, Special Agent
Phillipp Carter Former City Council

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

U.S Department of Education 1999 Bryan ST. Harwood
center Suite 1440 Dallas TX, 75201
Brian Beers, Special Agent, 1999 Bryan ST, Harwood center
Suite 1440 Dallas TX. 75201
Phillip Carter, Former West Memphis city Council
205 S. Redding St West Memphis AR, 72301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
for the

Frederick Smith)
Plaintiff/Petitioner)
v.)
U.S. Department of Edc.)
Defendant/Respondent)
Brian Beers, Special Agent)
Phillip Carter, Emr. City Council)

Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period) _____

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|------------------------------|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ 0 (unemployed)

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):

2005 Motorless
Ford expedition.

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

Living with Family

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

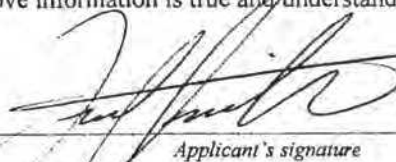
Fred Smith Jr. son
Gabriella Smith Daughter
Fred Smith Sr - Daddy
Tasha Smith Wife

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

None

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: JANUARY 24, 2018



Applicant's signature

Frederick Smith
Printed name

IN THE DISTRICT COURT OF U.S. COURT, ARKANSAS

IN RE PETITION OF Fred Smith
TO PROCEED IN FORMA PAUPERIS

CASE NO. _____

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW the Plaintiff, Fred Smith, *pro se*, who hereby petitions the court for Leave to Proceed *In Forma Pauperis* and does allege and state as follows:

1. That Plaintiff, a resident of the State of Arkansas, has prepared and desires to file with this Court a LAW SUIT.

2. That Plaintiff has completed an Affidavit in Support of Request to *Proceed In Forma Pauperis* setting out his/her income and assets. Plaintiff's Affidavit accompanies this petition.

3. That Plaintiff's income barely suffices to meet the costs of life's daily essentials and includes no allotment that could be budgeted to pay for court fees and costs incident to this proceeding.

4. That Plaintiff has no other income in addition to that described in his/her Affidavit and no means of paying such costs without being reduced to total impoverishment.

6. That Plaintiff believes that he/she is entitled to the relief requested in the accompanying LAW SUIT and that such action is not brought for a frivolous or malicious purpose.

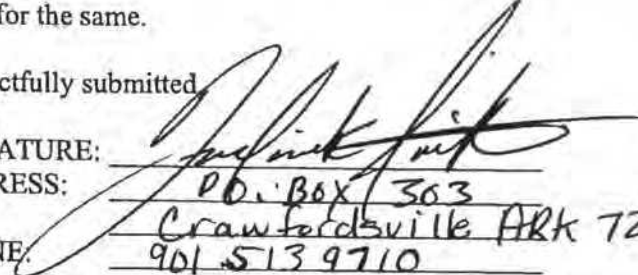
WHEREFORE, Plaintiff prays that the court enter an order allowing the Plaintiff to prosecute this action *In Forma Pauperis* and that the Plaintiff may have the necessary writs and processes without payment of fees or costs for the same.

Respectfully submitted

SIGNATURE:

ADDRESS:

PHONE:


PO. Box 303
Crawfordsville ARK 72327
901.513.9710

In Forma Pauperis Affidavit
[see Rule 72, Rules of Civil Procedure]

IN THE DISTRICT COURT U.S. COURT., ARKANSAS

IN RE PETITION OF Fred Smith
TO PROCEED IN FORMA PAUPERIS

NO.

AFFIDAVIT IN SUPPORT OF
REQUEST TO PROCEED IN FORMA PAUPERIS

I, Fred Smith, being first duly sworn, depose and say that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? Yes No

(a) If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.

(b) If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

(a) Business, profession or any form of self-employment?

Yes No

(b) Rent payments, interest or dividends?

Yes ___ No ___

(c) Pensions, annuities or life insurance payments?

Yes ___ No ___

(d) Gifts or inheritances?

Yes ___ No ___

(e) Any other sources?

Yes ___ No ___

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in a checking or savings account?

Yes ___ No

If the answer is yes, state the total amount in each account.

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ___ No

If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

Wife working Supporting the family
Gabriel 5 Tasha wife
Fred Jr. 11 Fred Sr. Petitioner

[6. TO BE COMPLETED ONLY IF PETITIONER IS INCARCERATED IN THE ARKANSAS DEPARTMENT OF CORRECTION OR ANY OTHER PENAL INSTITUTION.

Do you have any funds in the inmate welfare funds?

Yes ___ No

If the answer is yes, state the total amount in such account and have the certificate found below completed by the authorized officer of the institution.]

I understand that false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

[Handwritten signature]

Signature of Petitioner

STATE OF ARKANSAS

COUNTY OF CRITTENDEN

Petitioner, Fred Smith, being first duly sworn under oath, presents that he/she has read and subscribed to the above and states that the information therein is true and correct.

SUBSCRIBED AND SWORN to before me this 18 day of January, 2018.

[Handwritten signature: Paula S. Adams]

Notary Public



My commission expires:

[(To be completed by authorized officer of penal institution)]

CERTIFICATE

I hereby certify that the petitioner herein, Fred Smith, has the sum of \$ 0 on account to his/her credit at the N/A institution where he/she is confined.

I further certify that petitioner likewise has the following securities to his/her credit according to the records of said institution:

NONE

Authorized Officer of Institution]

**DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF ARKANSAS**

Frederick Smith
Vs.

US Department of Education 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
BRIAN BEERS SPECIAL AGENT 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
PHILLIP CARTER Former City Council 205 S. Redding St. West Memphis, AR 72301

48 ***** 48

**DECLARATION
OF
Exempt Filing Fee Status**

48 ***** 48

The Citizen of the United States Government, *not* United States of America, does make this Declaration that the "Citizen" of the said district are exempt from cost, filing fees and charges imposed by any courts, boards of law pursuant to and according to:

- 1 Constitution of the United States Article 4, sec. 2
- 2 **Hague Convention,**
- 3 **State Department of the United States**
"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."
- 4 7th Amendment
"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ..."

Right: Political Right...the right of petition. Blacks 3rd Ed. P. 524; Winnet v. Adam, 71 Neb. 817, 99 N. W. 681: see Black's Law Dictionary 7th Ed. Pg.1487-1488:

- 5 1st Amendment Constitution of the United States:
"...the right of the people...to Petition the Government for a redress of grievances".

Petition: A formal written application to a court requesting judicial action on a certain matter. A recital of facts which gives rise to a cause of action"

- 6 Title 8 USC 1503 (a):
"If any person who is within the United States claims a RIGHT or PRIVILEGE as a National of the United States – 8 USC 1101(a) (22), and is denied such right or privilege by any department or independent agency or official thereof, upon the grounds that he is not a national of the United States, such person may institute a

action under the provisions of section 2201 of titled 28, United States codes...against the head of such department of independent agency for a judgment declaring him to be a national of the United States..."

Privilege: "A particular and peculiar benefit or advantage enjoyed by a person, Company, or CLASS, beyond the Common advantage of other Citizens. An exceptional or extraordinary power or exemption. A peculiar right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others".

7 14th Amendment

"No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person protection of the law".

The term "Right" is nowhere defined as a filing fee, Payment, charge, burden or tax and is in violation of Constitution of the United States herein asserted. As a Foreign National Preamble-Posterity ...Citizen of the United States [whose ancestors additionally served in the Army and Navy of United States] I, claim, inter alia, the Right or Grand Fathering or Grandfather Clause.

As a "National of the United States" I have claimed the Right and Privilege so indicated in 8 USC 1503 (a), inter alia, here in named and when challenged by anyone in the department of the Clerk of court, action pursuant to 8 USC 1503(a) against the head of such department in accordance with 8 USC 2201 shall be initiated.

This 20 day of JANUARY 2018

Fred Smith

A large, stylized handwritten signature in black ink, appearing to read 'Fred Smith', is written over the printed name.

**DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF ARKANSAS**

Frederick Smith

Vs.

Case:

PHILLIP CARTER - FBI; DOJ Informant 205 S. Redding St. West Memphis, AR 72301
BRIAN BEERS SPECIAL AGENT 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
US Department of Education 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201

**COMPLAINT
NO SEARCH WARRANT VIOLATION
BURGLARY, TRESSPASS, THEFT OF PROPERTY**

**AND
ILLEGAL ENTERING, TRAFFICKING STOLEN GOODS**

COME NOW; Fred Smith herein asks the court to determine, rule on, make a legal determination if there was, is, a "Warrant" to enter the office of a State Representative.

DISCUSSION

Former City Council member Phillip Carter was under the authority of the Eastern Division Little Rock Arkansas "Department of Justice" as an "Informant" who used to be a Correction Officer that went corrupt and was signed on to be a "Informant" for the FBI, and other Federal government agency to be the "bag man" for 'odd jobs' that were deemed important to the FBI, and other Federal government agencies. Phillip Carter was "recruited" by Brian Beers who got orders from the national office of "Department of Justice" – Little Rock, AR, ; where Brian Beers an agent of the Department of Education in Texas went into the office of a State Representative "without a warrant" and took all the property out of the office "without a warrant", transported the property across State lines, and then wrote a letter to petitioner to come get such property they took "with no warrant"; it is asked of this court to determine this "Fact", "Truth" by the "Evidence" that exist that petitioner was, is, never was convicted.

FACTS

- 1 Brian Beers, Phillip Carter together did not seek a copy of a grand jury indictment per *pre-requisite* **AR 7-5-807(D)** with a Warrant to enter petitioners office.
- 2 There was no finding of guilt per **AR 7-5-808** that would allow the actions taken by Brian Beers, Phillip Carter, who should have known or knew that you cannot just break into the office

of a State Representative without a warrant and take all the property out of that office without a warrant.

3 The brains of corrupt behavior is Brian Beers who recruited Phillip Carter, a Department of Justice FBI Informant, where the two of them Brian Beers Principal and Phillip Carter Participant superior to physically carry out the enterprises desires-DEPARTMENT OF JUSTICE, with principal Brian Beers, directing the players by his influence and corrupt activity to enter the office of Fred Smith "Without a Warrant" which is illegal and unlawful and crush his character, good name that shocks the conscious, by stealing the office equipment, without a warrant of the 4th amendment.

4 Nor did Brian Beers, Phillip Carter pursuant to **Article 5 sec. 9 Constitution of Arkansas** filed a complaint after Fred Smith returned to his government seat in regards to the business of his constituents **AR 7-5-805** nor did they have a warrant to go into the office.

5 Phillip Carter & Brian Beers violated **AR 5-36-103** by deception that exercises unauthorized control over or makes an unauthorized transfer of an interest in the property of another person with the purpose of depriving the owner of the property.

- A) Defendants deliberately adhered and participated in a conflict of interest that violates the Constitution of Arkansas, and petitioner Article 4, sec. 2 Constitution of the United States "privileges & immunities" from having no warrant to enter the office of a State Rep. which violates the 4th Amendment of the Constitution of the United States.
- B) Defendants violated **AR 5-51-205** where they "acted" unlawfully without a "Warrant" for seizure of petitioner's office and office equipment without cause violating **AR 5-51-205**.
- C) Defendants knew or should have known that they may not use or hire an "informant" to break into the office of petitioner and take all of his personal effects in violation of the 4th amendment, and take all the property out of this "office" without a Warrant violating **AR 5-53-131**.
- D) Defendants made a legal determination without authority to do so, by recruiting Phillip Carter to assist them in taking property, breaking into, and illegal entering the private property of petitioner without a "Warrant" who violated **AR 25-16-1101**.
- E) Brian Beers, Phillip Carter under the direction of the DEPARTMENT OF JUSTICE, behaved with corruption in public office by stole his private property without a warrant that they knew or should have known they were violating **AR 5-52-107**. This corruption in public office has a history and long train of abuse because Phillip Carter et al always do it this way; this is why he has been being used for years to be the "Bag Man" for the DEPARTMENT OF JUSTICE and FBI et al.
- F) Brian Beers et al actions comply with **AR 5-53-131; 5-52-107**; and influencing action by an "Unknown" FBI Agent to give orders to Brian Beers and Phillip Carter to violate State law and the 4th Amendment of the Constitution of the United States to not secure a

“Warrant” to enter the office of a Government Official by the orders of some unknown person who violated **AR 5-52-105**.

- G) The actions by Brian Beers et al were calculated, deliberate and frivolous in regards to Arkansas law. **AR 5-52-107** Abuse & Corruption in Office; **AR 25-16-1102** Brian Beers et al was chosen and Brian Beers accepted the role; **AR 5-53-106** Brian Beers et al committed a “Constitutional Breach” of the 4th Amendment to take property out of an Sitting State Representative Official office with “No Warrant”.

STATE TRAFFICKING LAW VIOLATION

1 Under Color of Law, Brian R. Beers, Phillip Carter from orders of the DEPARTMENT OF JUSTICE transported, transmitted, or transferred in interstate or foreign commerce petitioners goods, wares, merchandise, securities, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud.

2 Under Color of Law, Brian R. Beers, Phillip Carter from orders of the DEPARTMENT OF JUSTICE, devised a scheme or artifice to obtain property by means of false or fraudulent pretenses, representations, or promises, by his transports or causes to be transported, or induces Brian R. Beers or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud petitioner and property having a value of \$5,000 or more.

3 Under Color of Law, He Brian R. Beers, from orders from the DEPARTMENT OF JUSTICE sent a letter years later, for petitioner to come get the property they stole, but they did not have a warrant to ascertain the property they were writing a letter to come get furthermore; they knew the property taken was done without a warrant by the letter to that says without saying “...We messed up, we had no warrant, so come get your property to get the DEPARTMENT OF JUSTICE off the hook” is absurd, they must go down,

4 Under Color of Law, Brian R. Beers knowing the same to have been stolen, converted or taken by fraud—Shall be fined under Federal Law or imprisoned not more than ten years, or both.

DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Petitioner herein seeks a Declaratory Judgment and Injunctive Relief to the acts, behavior of Brian Beers, Phillip Carter, DEPARTMENT OF EDUCATION Under Color of Law, who must show, verify what warrant they were given from a Judge in Crittenden County of Arkansas to

obtain such "Declaratory & Injunction" to stop defendants and reverse all action by defendants and declare such actions were, are without a "Warrant" and authority.

1 Article 4, section 2 Constitution of the United States provides petitioner with a privilege & immunity, to be free have a office and have office equipment without being targeted from a FBI informant, and Special Agent of the Department of Education, to have his office broken into and have his office equipment stolen without a 4th amendment warrant, shocks the conscious that a Federal official agent would behave in such manner against a State Representative.

2 DEPARTMENT OF EDUCATION has delegated its policing operations to, Special Agent Brian Beers who has delegated its statutory responsibility for, and final policy making authority regarding the provision of ENTERING a State Congressman's office without authority, 4th amendment warrant, by allowing a City Council Member Phillip Carter to perform this function for Department of Education without interference or correction.

3 DEPARTMENT OF EDUCATION has delegated its operations to Brian Beers who has delegated final policy making authority regarding the entering the office of a State Representative without permission, 4th amendment warrant and jurisdictional action, by allowing City Council Member Phillip Carter to perform aspects of this function without interference or correction.

4 The policy making decisions of DEPARTMENT OF EDUCATION with regard to the provision of ENTERING the office of a State Congressman are within the jurisdictional bounds of STATE OF ARKANSAS, Crittenden County and are imputed to Crittenden County Court.

5 The policy making decisions mentioned of DEPARTMENT OF EDUCATION including those imputed to Special Agent Brian Beers by DEPARTMENT OF EDUCATION are imputed to Crittenden County by Phillip Carter, are imputed and serve to bind both, Brian Beers, Phillip Carter to the jurisdiction of Crittenden County Court directly or indirectly in violation of ARA 7-1-103; AR5-53-131.

6 It is the official policy of DEPARTMENT OF EDUCATION, to steal a Sitting State Representatives private property by breaking into his office for no reason is forced slavery, violation of the Constitution of Arkansas, and Constitution of the United States too.

7 In the alternative, the manner in which CITY OF WEST MEMPHIS ARKANSAS City Council Member officials are trained, including the design and implementation of training programs and the follow-up supervision of trainees, is a matter of policy.

8 These actions committed have become widespread to recognize the quality of custom or usage in Department of Education. The official duty of final policy makers of DEPARTMENT OF

EDUCATION inter alia, to be informed of custom or usage and, such policy makers had manifest opportunities to be informed of Brian Beers, actions.

9 The actual or constructive knowledge of the existence of this custom or usage and intentionally or with deliberate indifference, failed to correct or stop the practices and thus condoned it. This condonement may fairly be attributed in part to STATE OF ARKANSAS and DEPARTMENT OF EDUCATION and part to CITY OF WEST MEMPHIS.

10 The actions committed deprived petitioner of his Constitutional Privileges and Immunities to adequate allowance of Constitutional Right to not be seized anywhere without law is furtherance of an official policy, custom or usage of DEPARTMENT OF EDUCATION, and WEST MEMPHIS CITY COUNCIL, and such official policy, custom, or usage was direct and proximate cause of such deprivation.

11 DEPARTMENT OF EDUCATION are not entitled to qualified, sovereign immunity because of the purchase of "Bond Insurance".

12 Brian Beers in his official capacity is a person within the meaning of 42 USC 1983.

13 Such conduct poses a pervasive and unreasonable risk of Constitutional violations and injury- such are the violations here; to petitioner. Phillip Carter a City Council Member got the keys from the Pastor who had actual constructive knowledge given to him from state officers, who knew or should have known having a meeting of the minds. Governors all decided to engage in conduct that posed pervasive and unreasonable risk of Constitutional violations and injury to petitioner.

14 The deliberate indifference to, or tacit authorization of, such unconstitutional conduct shows the response of actual or constructive knowledge of this pervasive and unreasonable risk of Constitutional violation and injury to petitioner.

15 A reasonable person in the position of defendants would have known that his or her actions violated petitioner's Article 4, section 2 Constitutional Privileges and immunities along with certain state statutory provisions.

16 Treble damages are entitled to be given to petitioner for such wrong or injury pursuant to Arkansas Law.

17 Defendants' conduct was willful or wanton in that it constituted the conscious and intentional disregard of, and indifference to, the privileges and immunities, of petitioner, which said

defendants knew, or should have known, was reasonably likely to result in injury, damage, or IRREPARABLE harm.

VIOLATING THE 4TH AMENDMENT

- 1 Brian R. Beers, Phillip Carter together met and discussed how and when to enter petitioners property without a warrant and search it and take all the property and examine it without warrant and just violate petitioner because he is African American.
- 2 DEPARTMENT OF EDUCATION failed to train, supervise, instruct, guide in the proper procedures of entering person's property. The aforementioned employer failed to instill and impart into Brian R. Beers, "integrity" to mimic and copy for the sake of protecting the laws of Arkansas, Rights of the Citizens of Arkansas, Privileges & Immunities as possessed pursuant to 4th Amendment; Article 4, sec. 2 Constitution of the United States, Policy & Custom of DEPARTMENT OF EDUCATION was established from this egregious act.
- 3 Brian R. Beers, Phillip Carter violated the proper levels of access for every transaction where he entered property of a sitting State Representative in violation of the 4th amendment of the Constitution of the United States from instructions from some FBI Agent to violate petitioner and damage the integrity of the name of petitioner, is a wicked, despicable, disgusting, rotten abuse of power to the 10th power, in complete disregard of law, Constitutions, policy and custom DEPARTMENT OF EDUCATION.

CONSTITUTIONAL QUESTIONS

BEHAVIOR of defendants has raised "Questions" on the Constitutionality of action of Brain Beers-Special Agent for Department of Education, and Phillip Carter employee/informant under the use and control of DEPARTMENT OF JUSTICE to go into the office a State Representative to take property without a 4th Amendment Warrant and transport such property to another State from where it was found, makes the following questions,

- 1 Can an employee of the Department of Education come into a State and use a FBI Informant to go into a State Representatives office without a warrant and take the property out of it and take it to another State?
- 2 Can a Federal employee without a warrant take property from a State Representatives office and transport it to another State?

- 3 Does the Constitution of the United States and Constitution of Arkansas make provisions for Phillip Carter, of Arkansas, Brian Beers of United States Department of Education employee together, to break into the office of a sitting State Representative, take all the office equipment out of the office, take it across state line, without a warrant?
- 4 Does the Constitution of Arkansas allow a Federal Employee to recruit a person "without a warrant"; to break into the office of a State Representative office that conducts the business affairs for a State Sponsored Federal government funded program called 'SAVE OUR KIDS' and steal the office equipment for no reason?
- 1 **Article 1sec. 13** of the Arkansas Constitution states: *Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the law.* Defendants Brian R. Beers, Phillip Carter from a unknown FBI agent, without any court order or **4th amendment Warrant** to go into the property when there was and is no court order **or Warrant** allowing them to just break-an-entering to such property because Phillip Carter [FBI Informant] and Brian R. Beers was a Special Agent is a egregious abuse of authority and law.

BREACH OF SECURITY AND MISCONDUCT ON DUTY

- 1 The actions of Brian R. Beers, Phillip Carter caused petitioner to be placed into a National Criminal base for no reason whatsoever. authority. which cause irreparable harm to petitioner without cause is clear and concise of an official policy to damage petitioner.
- 2 Brian R. Beers, Phillip Carter together met and discussed how and when to enter petitioners property without a warrant and search it and take all the property and examine it without warrant and just violate petitioner because he is African American.
- 3 DEPARTMENT OF EDUCATION & STATE OF ARKANSAS failed to train, supervise, instruct, guide in the proper procedures of entering person's property. The aforementioned employer failed to instill and impart into Brian R. Beers, Phillip Carter "integrity" to mimic and copy for the sake of protecting the laws of Arkansas, Rights of the Citizens of Arkansas, Privileges & Immunities as possessed pursuant to Article 4, sec. 2 Constitution of the United States.
- 4 Brian R. Beers, Phillip Carter violated the proper levels of access for every transaction where he entered property in violation of the 4th amendment of the Constitution of the United States from instructions of their policy and custom of the DEPARTMENT OF EDUCATION.
- 5 There was no search warrant issued because a FOIA request for it was done and a letter was returned stating "...we cannot provide you with that...".

RESPONDENT SUPERIOR

1 Brian R. Beers, Phillip Carter, DEPARTMENT OF FEDUCATION are persons within the meaning of 42 USC 1983, 1985.

2 DEPARTMENT OF EDUCATION is not entitled to 11th amendment immunity because it is local in nature. DEPARMENT OF EDUCATION is not entitled to sovereign immunity because of the purchase of insurance in bond and otherwise.

3 Article 4, section 2 Constitution of the United States provides petitioner with a privilege & immunity, to be free to obtain and conduct business without being targeted from Brian R. Beers, Phillip Carter et al, to enter his business property and just take all office equipment from no court order is criminal.

4 DEPARTMENT OF EDUCATION has delegated its policing operations to BRIAN R. BEERS who has recruited PHILLIP CARTER former State Representative with no responsibility for, and final policy making authority regarding the provision of ENTERING persons property to take office equipment and enter private property without a warrant, and take such equipment by allowing Brian R. Beers, to perform this function for DEPARTMENT OF EDUCATION without interference or correction.

5 DEPARMENT OF EDUCATION has delegated its INVESTIGATING operations to BRIAN R. BEERS who has delegated final policy making authority regarding the taking of property from businesses, entering business property without warrant, to Brian R. Beers, and jurisdictional action, by allowing Brian R. Beers, to perform aspects of this function without interference or correction. He has recruited Phillip Carter who participated in this theft, robbery, trespass, that is criminal.

6 The policy making decisions of DEPARTMENT OF EDUCATION with regard to the provision of ENTERING persons PRIVATE property and stealing are within the jurisdictional bounds of DEPARTMENT OF EDUCATION are imputed to Brian R. Beers.

7 The policy making decisions mentioned of Brian R. Beers including those imputed to Phillip Carter AS State Representative - STATE OF ARKANSAS are imputed to Phillip Carter by STATE OF ARKANSAS [indirectly] by Governor MIKE BEBE [at time of alleged action] are imputed and serve to bind both, STATE OF ARKANSAS, DEPARTMENT OF EDUCATION and Brian R. Beers, Phillip Carter directly or indirectly.

8 It is the official policy of STATE OF ARKANSAS and DEPARTMENT OF EDUCATION to deny citizens the right to be free upon the land of United States and be targeted by a State Official without law is forced slavery, violation of the Constitution of Arkansas, and Constitution of the United States too.

9 These actions committed have become widespread to recognize the quality of custom or usage in Arkansas & UNITED STATES OF AMERICA. The official duty of final policy makers of STATE OF ARKANSAS and DEPARTMENT OF EDUCATION inter alia, to be informed of custom or usage and, such policy makers had manifest opportunities to be informed.

10 The actual or constructive knowledge of the existence of this custom or usage and intentionally or with deliberate indifference, failed to correct or stop the practices and thus condoned it. This condonement may fairly be attributed in part to DEPARTMENT OF EDUCATION and STATE OF ARKANSAS, and part to BRIAN R. BEERS and PHILLIP CARTER.

11 The actions committed deprived petitioner of his Constitutional Privileges and Immunities to adequate allowance of Constitutional Right to not seize his property without a "Warrant" anywhere without law is furtherance of an official policy, custom or usage of STATE OF ARKANSAS, and DEPARTMENT OF EDUCATION, and such official policy, custom, or usage was direct and proximate cause of such deprivation.

12 GOVERNOR is not entitled to qualified, sovereign immunity because of the purchase of "Bond Insurance".

13 Brian R. Beers, Phillip Carter in their official capacities are persons within the meaning of 42 USC 1983.

14 Such conduct poses a pervasive and unreasonable risk of Constitutional violations and injury- such are the violations here; to petitioner. Brian R. Beers, Phillip Carter had actual constructive knowledge given to him from state officers, who knew or should have known having a meeting of the minds Brian R. Beers, Phillip Carter and Governor all decided to engage in conduct that posed pervasive and unreasonable risk of Constitutional violations and injury to petitioner.

15 The deliberate indifference to, or tacit authorization of, such unconstitutional conduct shows the response of actual or constructive knowledge of this pervasive and unreasonable risk of Constitutional violation and injury to petitioner.

16 A reasonable person in the position of defendants would have known that his or her actions violated petitioner's Article 4, section 2 Constitutional Privileges and immunities along with certain state statutory provisions.

17 GOVERNOR is liable under the law of Arkansas for such actions of Phillip Carter based on the doctrine of respondent superior.

18 Treble damages are entitled to be given to petitioner for such wrong or injury pursuant to Arkansas Law.

19 Petitioner is entitled to recover damages against STATE OF ARKANSAS, DEPARTMENT OF EDUCATION bonds' pursuant to Arkansas law and Laws of the United States.

20 Defendants' conduct was willful or wanton in that it constituted the conscious and intentional disregard of, and indifference to, the privileges and immunities, of petitioner, which said defendants knew, or should have known, was reasonably likely to result in injury, damage, or IRREPARABLE harm.

DEPRIVING DUE PROCESS. CONSPIRACY. DEPRIVATION AGAINST RIGHTS

1 This is a complained action for the deprivation of rights, conspiracy against rights and denial of petitioner privileges and immunities afforded from Article 4, sec.2 Constitution of the United States Denied. Defendant violated *RICO* and State and Federal Law i.e. 42 USC 1973; 18 USC 2314 – "Trafficking Stolen Goods", *Anderson v. United States* 411 US 211(1974); 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 52 USCA 10301.

2 Brian R. Beers per business card is a resident of Dallas, TX. Phillip Carter, Governor are residents of Arkansas and all are being sued separately in their official and individual capacities.

3 Governor was responsible for supervising the training, instruction, discipline, and conduct of PHILLIP CARTER including, but not limited to training, instruction, discipline, control, and conduct concerning jurisdiction. Constitution of Arkansas provisions for PROTECTING Citizens rights to not be profiled and have their personal and business property stolen without any Court order, order.

4 DEPARTMENT OF EDUCATION, STATE OF ARKANSAS. was responsible for instituting policy for the entering persons property which includes, but not limited to, setting policy guidelines for training for officers to enter persons property, take property out of premises with only a warrant where petitioner was not convicted to be subject to such behavior. Who told Brian R. Beers, Phillip Carter to go into petitioners business and take his property since no warrant issued to allow them to act, and display behavior to do that? Who told Brian R. Beers, Phillip Carter to steal and enter property falsely what amounts to a "Federal Crime" is evidence of a "Policy" and "Custom" to do this.

5 The established policy has created a custom to enter any person or Citizens property that is free in enjoyment of right to travel, not be seized in Arkansas for any reason. DEPARTMENT OF EDUCATION; STATE OF ARKANSAS is responsible for the established climate and custom that allows Brian R. Beers, Phillip Carter to use deliberate unreasonable AUTHORITY overstepping the State LAW & FEDERAL LAW for personal satisfaction because they were told to do such. in violating the 42 USC 1983, 1985 and denying Petitioner access the 4th Amendment because petitioner is exercising his free enjoyment of the Constitution of the United States privilege. in connection with the Constitution of Arkansas.

6 DEPARTMENT OF EDUCATION; is a political subdivisions of the United States of America.

7 Under 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985, at all times pertinent, DEPARTMENT OF EDUCATION; STATE OF ARKANSAS; was responsible for providing and maintaining advocacy of unlawful acts by groups or individuals against other persons or groups, in this case, by Brian R. Beers, Phillip Carter directly or indirectly allowed, authorized the provoking and inciting damage, creating false records, created false and misleading public notification database on petitioner, which action is not constitutionally protected, poses a threat to public order and Constitution of Arkansas, Constitution of the United States and 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia, and should be subject to criminal sanctions; Also, the deliberate and willful intention of Brian R. Beers, Phillip Carter to conduct behavior by depriving petitioners Right.

8 DEPARTMENT OF EDUCATION; STATE OF ARKANSAS has final policy making authority regarding the provisions on deprivation of rights and conspiracy against rights inter alia.

9 Defendants Governor and Brian R. Beers, Phillip Carter are residents of Arkansas. At all times Governor and Brian R. Beers, Phillip Carter were duly elected and hired and acting directors of DEPARTMENT OF EDUCATION; STATE OF ARKANSAS.

10 DEPARTMENT OF EDUCATION; STATE OF ARKANSAS has allowed Brian R. Beers, Phillip Carter to perform the entering persons PROPERTY without authority, train workers, set policy, which has established certain customs that violate the Constitution of Arkansas and Constitution of the United States. By creating injury to the 42 USC 1983, 1985; Article 4, sec. 2 Constitution of the United States inter alia.

11 At all times pertinent, Governor, Brian R. Beers, Phillip Carter conspired, as a group, had a meeting of the minds, possessing the power to allow petitioner to be safe by depriving his rights and conspired against his rights or stop the established train of abuse committed by Brian R. Beers, Phillip Carter who was suppose to allow any Citizen un deprived right nor conspire against that right unto petitioner. They carry this authority to make sure all of the orders, rules, instructions, policies and regulations promulgated are with the meaning of 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia. They failed to stop the action that caused this complaint, because they knew before hand thus verifying and perpetuating the violations listed and to be discussed or laid out.

FEDERAL TRAFFICKING VIOLATION

1 Brian R. Beers transported, transmitted, or transferred in interstate or foreign commerce petitioners goods, wares, merchandise, securities, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud.

2 Brian R. Beers, devised a scheme or artifice to defraud, to obtain property by means of false or fraudulent pretenses, representations, or promises, by his transports or causes to be transported, or induces Brian R. Beers or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud petitioner and property having a value of \$5,000 or more.

3 He Brian R. Beers sent a letter years after for petitioner to come get the property he stole, but petitioner did nothing because there was no search warrant for Brian R. Beers to take the property in the first place.

4 Brian R. Beers knowing the same to have been stolen, converted or taken by fraud—
Shall be fined under Federal Law or imprisoned not more than ten years, or both.

DELIBERATE DISREGARD OF STATE LAW

5 Brian R. Beers, Phillip Carter did not seek a copy of a grand jury indictment per *pre-requisite* AR 7-5-807(D).

6 There was no finding of guilt per AR 7-5-808 that would allow the actions taken by BRIAN R. BEERS, PHILLIP CARTER, who should have known or knew that you cannot take property or enter property without a charge and court order. But did so, on his own as STATE OFFICER, recruit conspirators, OR that Governor knew or should have known, to conduct a meeting of the minds and devote time to make phone calls to a State Representative and conspire against another State Representative, that is treason against United States and Arkansas State, republics.

7 Nor did Brian R. Beers, Phillip Carter pursuant to Article 5 sec. 9 file a complaint after Fred Smith returned to his government seat in regards to the business of his constituents AR 7-5-805 or Constitution of Arkansas and Arkansas arrest procedures.

WHEREFORE petitioner, demands judgment against the defendants, jointly and severally, as follows:

- a.) As compensatory damages, the sum of \$ _____ ,
for each defendant; Department of Education \$ _____
- b.) As punitive damages on Brian Beers, Phillip Carters actions, in the sum of \$ _____
Dollars for each Defendants willful, arbitrary and negligent
action in treble damages, for stealing, and breaking and entering.
- c.) Exemplary and emotional damages be imposed for the petitioner's emotional distress
in restitution for his economic losses in his business - "Save Our Kids" that has been
terminated, in the sum of \$ _____ Dollars by each
defendant.
- d.) Attorneys' fees imposed in prosecuting this action pursuant to the Defendants actions;
- e.) And that other such further relief as to the Court deems proper.

Former Representative
Fred Smith

This 20 day of JANUARY 2018.

Frederick Smith



AFFIDAVIT

From: Former State Representative Frederick Smith - Arkansas

Vs.

US Department of Education 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
BRIAN BEERS SPECIAL AGENT 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
PHILLIP CARTER Former City Council 205 S. Redding St. West Memphis, AR 72301

BURGLARY, TRESSPASS, THEFT OF PROPERTY
AND
ILLEGAL ENTERING, TRAFFICKING STOLEN GOODS

COMES NOW; Petitioner former State Democratic Representative who was abused by the democrats of Arkansas to now complain to the Judiciary Committee to show of criminal actions done to a then State Representative, by a Department of Education officials who unlawfully and illegally entered the business of petitioner without a warrant to search and stole property in violation of 4th Amendment of the Constitution of the United States and Arkansas Law.

FACTS

- 1 It has been established that, Brian R. Beers, Phillip Carter participated in the smearing of public vistas of petitioner, damaging the good name of petitioner, by entering the property without a warrant to search or arrest or anything just went in because petitioner was involved in another situation regarding taking a seat as State rep for Arkansas.
- 2 Petitioner has never been 'sentenced' to become a 'fugitive from justice' or 'criminal' to allow Brian R. Beers, Phillip Carter to enter the property of petitioner and take such property without cause, just took it is egregious, criminal and wicked for a State Official and Government Special Agent to conduct themselves in theft, robbery, trespass and tort to the highest degree. Defendants Brian R. Beers, Phillip Carter devoted a certain amount of energy to destroy the character, integrity, good name of Fred Smith without cause that a reasonable person would be able to rationalize to the effect of the deliberate action in conspiracy with other State officials and from personal biased & prejudice when no crime by Fred Smith was committed.
- 3 Defendant Brian R. Beers, Phillip Carter gained advantage from, SPECIAL AGENT who he met with in secret, to discuss the demise of Fred Smith's good name. They conspired to do so from prejudice and biasness where they disregarded justice, the law, the rules of law, the ethics of jobs & duties, the Constitution of Arkansas, and

finally complete disregard for the Constitution of the United States and petitioners Article 4, Sec. 2 Privileges & Immunities.

- 4 As a Officer of the State being a State Representative, it is petitioners comprehension that if Fred Smith was guilty of any wrong doing, whatsoever, a "investigation" was to be conducted to determine if any 'criminal' charges were to be sought where Brian R. Beers, Phillip Carter could lawfully enter petitioner property by "4th amendment warrant" from a judge ruling as to Fred Smith's behavior. Instead of make a legal determination under **color of law** and process a color of law entry into the property of petitionèr, simply to abuse Fred Smith.
- 5 *Article 1 sec. 13 of the Arkansas Constitution states: Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the law. Defendant Brian R. Beers, Phillip Carter who on their own without a order to go into the property when there was and is no court order allowing them to just obtain keys to enter such property because Phillip Carte was a State Representative and Brian R. Beers was a Special Agent is a egregious abuse of authority and law.*
- 6 Since Defendant Brian R. Beers, Phillip Carter did this on his own with instruction of "Willful Blindness" of the Secretary of State/Chairman Democratic Party and Governor [former] to take Fred Smith down was the communication discussed between the parties aforementioned to violate the Constitution of Arkansas; Article 4, sec. 2 Constitution of the United States; laws of Arkansas and even the "Policy and Custom" for entering persons into the NCIC.
- 7 Fred Smith by Brian R. Beers, Phillip Carter direct action where the media who slandered Fred Smith by reporting he was convicted and had a copy of his picture in the news i.e. *Photo* by Staton Breidenthal *article* by Sarah D. Wire of the "Arkansas Democratic Gazette".
- 8 Brian R. Beers, Phillip Carter stole property out of the office of petitioners business "Save Our Kids", without regard for any law, just did it by orders of the former Governor and present Secretary of State.

RESPONDENT SUPERIOR

1 Brian R. Beers, Phillip Carter, DEPARTMENT OF FEDUCATION are persons within the meaning of 42 USC 1983, 1985.

2 DEPARTMENT OF EDUCATION is not entitled to 11th amendment immunity because it is local in nature. DEPARMENT OF EDUCATION is not entitled to sovereign immunity because of the purchase of insurance in bond and otherwise.

3 Article 4, section 2 Constitution of the United States provides petitioner with a privilege & immunity, to be free to obtain and conduct business without being targeted from Brian R. Beers, Phillip Carter et al, to enter his business property and just take all office equipment from no court order is criminal.

4 DEPARTMENT OF EDUCATION has delegated its policing operations to BRIAN R. BEERS who has recruited PHILLIP CARTER former State Representative with no responsibility for, and final policy making authority regarding the provision of ENTERING persons property to take office equipment and enter private property without a warrant, and take such equipment by allowing Brian R. Beers, to perform this function for DEPARTMENT OF EDUCATION without interference or correction.

5 DEPARTMENT OF EDUCATION has delegated its INVESTIGATING operations to BRIAN R. BEERS who has delegated final policy making authority regarding the taking of property from businesses, entering business property without warrant, to Brian R. Beers, and jurisdictional action, by allowing Brian R. Beers, to perform aspects of this function without interference or correction. He has recruited Phillip Carter who participated in this theft, robbery, trespass, that is criminal.

6 The policy making decisions of DEPARTMENT OF EDUCATION with regard to the provision of ENTERING persons PRIVATE property and stealing are within the jurisdictional bounds of DEPARTMENT OF EDUCATION are imputed to Brian R. Beers.

7 The policy making decisions mentioned of Brian R. Beers including those imputed to Phillip Carter AS State Representative - STATE OF ARKANSAS are imputed to Phillip Carter by STATE OF ARKANSAS [indirectly] by Governor MIKE BEBE [at time of alleged action] are imputed and serve to bind both, STATE OF ARKANSAS, DEPARTMENT OF EDUCATION and Brian R. Beers, Phillip Carter directly or indirectly.

8 It is the official policy of STATE OF ARKANSAS and DEPARTMENT OF EDUCATION to deny citizens the right to be free upon the land of United States and be targeted by a State Official without law is forced slavery, violation of the Constitution of Arkansas, and Constitution of the United States too.

9 These actions committed have become widespread to recognize the quality of custom or usage in Arkansas & UNITED STATES OF AMERICA. The official duty of final policy makers of STATE OF ARKANSAS and DEPARTMENT OF EDUCATION inter alia, to be informed of custom or usage and, such policy makers had manifest opportunities to be informed.

10 The actual or constructive knowledge of the existence of this custom or usage and intentionally or with deliberate indifference, failed to correct or stop the practices and thus condoned it. This condonement may fairly be attributed in part to DEPARTMENT OF EDUCATION and STATE OF ARKANSAS, and part to BRIAN R. BEERS and PHILLIP CARTER.

11 The actions committed deprived petitioner of his Constitutional Privileges and Immunities to adequate allowance of Constitutional Right to not seize his property without a "Warrant" anywhere without law is furtherance of an official policy, custom or usage of STATE OF ARKANSAS, and DEPARTMENT OF EDUCATION, and such official policy, custom, or usage was direct and proximate cause of such deprivation.

12 GOVERNOR is not entitled to qualified, sovereign immunity because of the purchase of "Bond Insurance".

13 Brian R. Beers, Phillip Carter in their official capacities are persons within the meaning of 42 USC 1983.

14 Such conduct poses a pervasive and unreasonable risk of Constitutional violations and injury- such are the violations here; to petitioner. Brian R. Beers, Phillip Carter had actual constructive knowledge given to him from state officers, who knew or should have known having a meeting of the minds Brian R. Beers, Phillip Carter and Governor all decided to engage in conduct that posed pervasive and unreasonable risk of Constitutional violations and injury to petitioner.

15 The deliberate indifference to, or tacit authorization of, such unconstitutional conduct shows the response of actual or constructive knowledge of this pervasive and unreasonable risk of Constitutional violation and injury to petitioner.

16 A reasonable person in the position of defendants would have known that his or her actions violated petitioner's Article 4, section 2 Constitutional Privileges and immunities along with certain state statutory provisions.

17 GOVERNOR is liable under the law of Arkansas for such actions of Phillip Carter based on the doctrine of respondent superior.

18 Treble damages are entitled to be given to petitioner for such wrong or injury pursuant to Arkansas Law.

19 Petitioner is entitled to recover damages against STATE OF ARKANSAS, DEPARTMENT OF EDUCATION bonds' pursuant to Arkansas law and Laws of the United States.

20 Defendants' conduct was willful or wanton in that it constituted the conscious and intentional disregard of, and indifference to, the privileges and immunities, of petitioner, which said defendants knew, or should have known, was reasonably likely to result in injury, damage, or IRREPARABLE harm.

DEPRIVING DUE PROCESS. CONSPIRACY. DEPRIVATION AGAINST RIGHTS

1 This is a complained action for the deprivation of rights, conspiracy against rights and denial of petitioner privileges and immunities afforded from Article 4, sec.2 Constitution of the United States Denied. Defendant violated *RICO* and State and Federal Law i.e. 42 USC 1973; 18 USC 2314 - "Trafficking Stolen Goods", *Anderson v. United States* 411 US 211(1974); 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 52 USCA 10301.

2 Brian R. Beers per business card is a resident of Dallas, TX. Phillip Carter, Governor are residents of Arkansas and all are being sued separately in their official and individual capacities.

3 Governor was responsible for supervising the training, instruction, discipline, and conduct of PHILLIP CARTER including, but not limited to training, instruction, discipline, control, and conduct concerning jurisdiction, Constitution of Arkansas provisions for PROTECTING Citizens rights to not be profiled and have their personal and business property stolen without any Court order, order.

4 DEPARTMENT OF EDUCATION, STATE OF ARKANSAS, was responsible for instituting policy for the entering persons property which includes, but not limited to, setting policy guidelines for training for officers to enter persons property, take property out of premises with only a warrant where petitioner was not convicted to be subject to such behavior. Who told Brian R. Beers, Phillip Carter to go into petitioners business and take his property since no warrant issued to allow them to act, and display behavior to do that? Who told Brian R. Beers, Phillip Carter to steal and enter property falsely what amounts to a "Federal Crime" is evidence of a "Policy" and "Custom" to do this.

5 The established policy has created a custom to enter any person or Citizens property that is free in enjoyment of right to travel, not be seized in Arkansas for any reason. DEPARTMENT OF EDUCATION; STATE OF ARKANSAS is responsible for the established climate and custom that allows Brian R. Beers, Phillip Carter to use deliberate unreasonable AUTHORITY overstepping the State LAW & FEDERAL LAW for personal satisfaction because they were told to do such, in violating the 42 USC 1983, 1985 and denying Petitioner access the 4th Amendment because petitioner is exercising his free enjoyment of the Constitution of the United States privilege, in connection with the Constitution of Arkansas.

6 DEPARTMENT OF EDUCATION; is a political subdivisions of the United States of America.

7 Under 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985, at all times pertinent, DEPARTMENT OF EDUCATION; STATE OF ARKANSAS; was responsible for providing and maintaining advocacy of unlawful acts by groups or individuals against other persons or groups, in this case, by Brian R. Beers, Phillip Carter directly or indirectly allowed, authorized the provoking and inciting damage, creating false records, created false and misleading public notification database on petitioner, which action is not constitutionally protected, poses a threat to public order and Constitution of Arkansas, Constitution of the United States and 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia, and should be subject to criminal sanctions; Also, the deliberate and willful intention of Brian R. Beers, Phillip Carter to conduct behavior by depriving petitioners Right.

8 DEPARTMENT OF EDUCATION; STATE OF ARKANSAS has final policy making authority regarding the provisions on deprivation of rights and conspiracy against rights inter alia.

9 Defendants Governor and Brian R. Beers, Phillip Carter are residents of Arkansas. At all times Governor and Brian R. Beers, Phillip Carter were duly elected and hired and acting directors of DEPARTMENT OF EDUCATION; STATE OF ARKANSAS.

10 DEPARTMENT OF EDUCATION; STATE OF ARKANSAS has allowed Brian R. Beers, Phillip Carter to perform the entering persons PROPERTY without authority, train workers, set policy, which has established certain customs that violate the Constitution of Arkansas and Constitution of the United States. By creating injury to the 42 USC 1983, 1985; Article 4, sec. 2 Constitution of the United States inter alia.

11 At all times pertinent, Governor, Brian R. Beers, Phillip Carter conspired, as a group, had a meeting of the minds, possessing the power to allow petitioner to be safe by depriving his rights and conspired against his rights or stop the established train of abuse committed by Brian R. Beers, Phillip Carter who was suppose to allow any Citizen un deprived right nor conspire against that right unto petitioner. They carry this authority to make sure all of the orders, rules, instructions, policies and regulations promulgated are with the meaning of 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia. They failed to stop the action that caused this complaint, because they knew before hand thus verifying and perpetuating the violations listed and to be discussed or laid out.

FEDERAL TRAFFICKING VIOLATION

- 1 Brian R. Beers transported, transmitted, or transferred in interstate or foreign commerce petitioners goods, wares, merchandise, securities, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud.
- 2 Brian R. Beers, devised a scheme or artifice to defraud, to obtain property by means of false or fraudulent pretenses, representations, or promises, by his transports or causes to be transported, or induces Brian R. Beers or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud petitioner and property having a value of \$5,000 or more.
- 3 He Brian R. Beers sent a letter years after for petitioner to come get the property he stole, but petitioner did nothing because there was no search warrant for Brian R. Beers to take the property in the first place.
- 4 Brian R. Beers knowing the same to have been stolen, converted or taken by fraud— Shall be fined under Federal Law or imprisoned not more than ten years, or both.

DELIBERATE DISREGARD OF STATE LAW

- 5 Brian R. Beers, Phillip Carter did not seek a copy of a grand jury indictment per *pre-requisite* AR 7-5-807(D).
- 6 There was no finding of guilt per AR 7-5-808 that would allow the actions taken by BRIAN R. BEERS, PHILLIP CARTER, who should have known or knew that you cannot take property or enter property without a charge and court order. But did so, on his own as STATE OFFICER, recruit conspirators, OR that Governor knew or should have known, to conduct a meeting of the minds and devote time to make phone calls to a State Representative and conspire against another State Representative, that is treason against United States and Arkansas State, republics.
- 7 Nor did Brian R. Beers, Phillip Carter pursuant to Article 5 sec. 9 file a complaint after Fred Smith returned to his government seat in regards to the business of his constituents AR 7-5-805 or Constitution of Arkansas and Arkansas arrest procedures.

BREACH OF SECURITY AND MISCONDUCT ON DUTY

- 1 The actions of Brian R. Beers, Phillip Carter caused petitioner to be placed into a National Criminal base for no reason whatsoever, authority, which cause irreparable

harm to petitioner without cause is clear and concise of an official policy to damage petitioner.

- 2 Brian R. Beers, Phillip Carter together met and discussed how and when to enter petitioners property without a warrant and search it and take all the property and examine it without warrant and just violate petitioner because he is African American.
- 3 DEPARTMENT OF EDUCATION & STATE OF ARKANSAS failed to train, supervise, instruct, guide in the proper procedures of entering person's property. The aforementioned employer failed to instill and impart into Brian R. Beers, Phillip Carter "integrity" to mimic and copy for the sake of protecting the laws of Arkansas, Rights of the Citizens of Arkansas, Privileges & Immunities as possessed pursuant to Article 4, sec. 2 Constitution of the United States.
- 4 Brian R. Beers, Phillip Carter violated the proper levels of access for every transaction where he entered property in violation of the 4th amendment of the Constitution of the United States from instructions of their policy and custom of the DEPARTMENT OF EDUCATION.
- 5 There was no search warrant issued because a FOIA request for it was done and a letter was returned stating "...we cannot provide you with that...".

PROPERTY STOLEN:

Epson Work Force Printer/Copier Model C365A[serial number: MJLY007678];
Blackberry Cell Phone 9630, PESN HEX: 80767015, SIM Card#8901010008230119739F; TDK
CD-R80; Note Sheet; SanDisk 2GB Thumb drive, SCDZ36-002G, PNY2GB Thumb drive
THNU!)HAORA00; Compaq Presario SR1313CL, Product#P5513AA, Serial#CNY4520HGB;
Multiple boxes of records, states the following:

This 17 day of April 2017.


Fred Smith

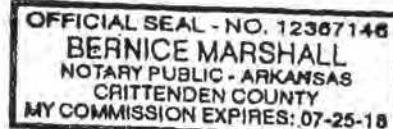
ARKANSAS STATE

COUNTY OF Crittenden

I Bernice Marshall a notary public state, Frederick Smith has Sworn and
Subscribe before me by WITNESS of my hand this 17th day of April

2017 Bernice Marshall

My Commission Expires 07/25/2018





UNITED STATES DEPARTMENT OF EDUCATION
 OFFICE OF INSPECTOR GENERAL
 1999 BRYAN STREET, HARWOOD CENTER, SUITE 1445
 DALLAS, TEXAS 75201
 PHONE: (214) 661-9530 FAX: (214) 661-9539

Date: March 31, 2015

Fred Smith
 7601 Broken Hickory Dr.
 Walls, MS 38680-8989

Dear Mr. Smith:

This letter is being sent to you regarding property currently in the possession of the U.S. Department of Education, Office of Inspector General. The items were seized pursuant to a search warrant executed at 2422 East Broadway, West Memphis, Arkansas 72301 on May 29, 2012. The following is a list of the items:

1. Epson Work Force Printer/Copier Model C365A (Serial#MILY007678)
2. Blackberry Cell Phone 9630, PESN HEX: 80767015, SIM Card#8901010008230119739F, Micro SD-C016
3. IDK CD-R80 (unlabeled)
4. Note Sheet (includes password)
5. ~~Seagate 2GB Thumb drive, SGBZTC-902G, PNY 2GB Thumb drive H1N6T0HAKR400~~
6. Compaq Presario SR1313CL, Product#P5513AAR, Serial#CNY4520HGB
7. Multiple boxes of records

The items listed above need to be returned or destroyed. If you would like to have some or all of the items returned to you please call (214) 661-9528. If you do not contact this office within 30 days of receiving this letter, all of the property listed above will be destroyed.

Sincerely,

Brian Beers

Brian R. Beers
 Special Agent

Kathleen S. Tighe U.S. Department
 of Education office of Inspector General

** Read*

U.S. Edc, and Agent Brian R. Beer enter into my Building and state my property, that they still holding, and then tried to release by tome, when I Fred Smith, didnt know that they had my property until this Letter, so I request a FOIA for some information to see if U.S Edc. Dep. an Brian R Beers, seized an search, that I can not find, or get.

I'm still waiting on a search warrant issued by a Judge, if not a search warrant, that will be theft of property, taking property across state line, with out consent

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
OFFICE OF THE CLERK
600 WEST CAPITOL AVENUE
Room A149
LITTLE ROCK, ARKANSAS 72201

JAMES W. McCORMACK
CLERK

PHONE 501-604-5351
FAX 501-604-5321

October 4, 2016

Mr. Fred Smith
Post Office Box 303
Crawfordsville, Arkansas 72327

Re: Request for Information

Dear Mr. Smith:

This confirms your request for information concerning a search warrant. I am unable to locate a search warrant case based on the information provided. There are no public records available for a search warrant issued for 2422 East Broadway in West Memphis, Tennessee, in 2012. Please provide a case number for additional information. Thank you.

Sincerely,

JAMES W. McCORMACK, CLERK

By: Tammy Downs
Tammy Downs, Deputy Clerk

Enclosure

cc: James McCormack, Clerk of Court

Kathleen S. Tighe or Brian R. Beers or
Authorized Person

Director Office of Information and Privacy
Department of Justice
10th & Constitution NW
Washington, D.C. 20530

Subject: Freedom of Information Act "FOIA" request

Dear Citizen Worker;

This is a request under Freedom of Information Act. I request that a copy of the following documents be provided to me, without delay on the attached item list showing:

- 1 Who filed complaint to enter property to seize items?
- 2 Was there a warrant if so, provide a copy.
- 3 What Judge signed the warrant if any or order to enter property?
- 4 Names of the persons who actually entered the property, building and office.
- 5 Who let the officers into the building in the first instance, and did he sign anything for letting them in, and is that person the owner of the building at that time.

I request a waiver of all fees for this request.

Disclosure of the requested information to me is in the public interest, because it is likely to contribute *significantly* to public understanding of the operations and activities of the federal government, and is not *primarily* in my commercial interest.

See also 5 USC 552(a)(4)(B). Statues conferring original jurisdiction on federal district courts must be *strictly* construed.

If you are not the correct person to whom this FOIA request should be directed, please forward it without delay to the correct person(s).

Thank you for your timely consideration of this FOIA request.

Fred Smith
Box 303
Crawfordsville, Arkansas 72327

July 20, 2015



Fred Smith all Rights Reserved without Prejudice

FIFTEENTH STREET CHURCH OF GOD IN CHRIST

ARCountyData.com

Commercial Improvements

Commercial Improvement #1

I Fred Smith, was the tenant of this building, I leasing this building through 15th St. Church, to this day I don't know how a West Memphis city councilman, com out of nowhere and open my door and let officer seize my property.. I was never notified, or saw a search warrant,



**ILLEGAL ENTERING
BURGLARY, TRESSPASS
THEFT OF PROPERTY**

Building Section #: 1
 Business Name: EDEN HOUSE ADULT DAYCARE
 Location: 2422 E BROADWAY
 Total SF: 1,152
 Stories: 1
 Year Built: 1950
 Effective Age: 35
 Occupancy:

Code	Description	Class	Percent
426	Day Care Center	C-2	100%

2/25/2016

www.arcountydata.com

FIFTEENTH STREET CHURCH OF GOD IN CHRIST-377011000000

ARCountyData.com

Basic Info

Parcel Number:

377011000000

County Name:

Crittenden County

Ownership Information:

FIFTEENTH STREET CHURCH OF GOD IN CHRIST
121 S 15TH ST
WEST MEMPHIS, AR 72301

Property Address:

FIFTEENTH STREET CHURCH OF GOD IN CHRIST
2425 C ROADWAY
WEST MEMPHIS, AR 72301
Map This Address

Building Information:

FIFTEENTH STREET CHURCH OF GOD IN CHRIST
121 S 15TH ST
WEST MEMPHIS, AR 72301

Total Acres:

0.34

Timber Acres:

0.00

Sec-Twp-Rng:

08-06-09

Lot/Block:

100 E 10' OF 9/1

Subdivision:

RICH EASTERN

Legal Description:

W100' OF 100' X E525' OF LOT 9 PLAT BK 2 PG 50

School District:

WEST MEMPHIS CITY

Improvement Districts:

DRAINAGE DIST 9, ROAD DIST 9, LEVEE DIST

Homestead Parcel?:

No

Tax Status:

Taxable

Over 65?:

No

After the US Dep. Education, illegal entering my business on property, stole my program (press pass), the program have been out of operation for 4 year

Need a report for your business?
Subscriber accounts can print sales, land usage, parcel details, parcel history, valuations, mailing labels and mailing address reports quickly and easily.
Sign Up Now



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

July 29, 2015

Mr. Fred Smith
Box 303
Crawfordsville, Arkansas 72327

Dear Mr. Smith,

This letter is to acknowledge receipt of your July 20, 2015, Freedom of Information Act (FOIA) request. You requested a copy of documents relating to a search warrant executed on May 29, 2012. Your request is being processed. We have assigned FOIA number 15-01163-F to your request.

Sincerely,


Gale Hoes
Program Specialist

cc: Department's FOIA Office

After requesting a FOIA, Department FOIA office said I will not be able to get a copy of the documents relating to a search warrant.

Arkansas Blog

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Archives | RSS

• Conviction of animal cruelty report...

2nd guilty plea in bribery case over state mental health services

Posted By Max Brantley on Thu, Sep 17, 2015 at 12:14 PM

Arkansas Business reports here on a federal court filing Wednesday that shows a second person has pleaded guilty to a bribery scheme to help a mental health contractor for the state Department of Human Services.

* Phillip Carter, a former West Memphis councilman and juvenile probation officer, pleaded guilty to conspiring to bribe Steven Jones, a former legislator from Marion and a DHS official. Jones pleaded guilty earlier and is awaiting sentencing. An unidentified West Memphis pastor also was said to be a participant in funneling money from a mental health care company, unidentified in the federal charges but identified by state officials as the businesses of Ted Suhl. His inpatient facilities, Farm Springs — Trinity Behavioral Health Services, once known as the Suhl Ranch — and a state-wide counseling business were cut off from state reimbursement by Medicaid after the investigation became public.

Suhl and his companies have not been charged, but continue to receive reports of ongoing federal grand jury review.

It is another case — like that of former Judge Mike Maggio — where the federal government has won a guilty plea from someone who said they accepted a bribe but hasn't charged anyone with actually making the bribe. Maggio said he took campaign contributions to influence his decision to reduce a judgment in a nursing home negligence case. It's a matter of record that former Republican Sen. Gilbert Baker rounded up money from nursing home owner Michael Morton for Maggio's campaign and those of many other judges, including significant amounts for newly elected Supreme Court Justice Rhonda Wood. A nursing home owned by Morton had its penalty reduced from \$6.2 million to \$1 million by Maggio. Morton and Baker have not been charged with anything or named in the Maggio charges and both have said they've done nothing wrong.

Meanwhile back at the Suhl: His Trinity home continues to operate in Farm Springs, Ark., without paying customers from Arkansas. A DHS spokesman told me this week that there are currently three residents at the facility, which the state still inspects for compliance with rules pertaining to residential mental health facilities.

Phillip Carter, earlier involved in an absentee vote buying scheme, will be sentenced next February.

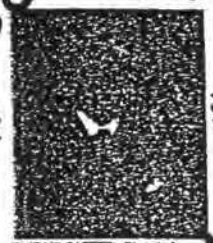
Here's the federal charge filed against Carter, with details of the scheme.

The charge details a four-year bribery scheme, laundering payments from the health care company through the unnamed pastor's church, to be turned over to Jones. Some payments to participants. Jones provided information useful to the health care company's business about internal matters at DHS.

The information says a targeted health care operator was under surveillance when he handed a \$2,000 check to Carter in a Memphis restaurant when Jones left the table. Carter put the check in his pocket.

Tags: Phillip Carter, Steve Jones, Ted Suhl, Department of Human Services, Suhl's Ranch, Trinity Behavior Health Care., Image

Handwritten notes:
Phillip Carter became an informant
trying to set me up, after he
set up Fr. state Rep. Steve Jones, on
bribery. Then set up on
Fr. Rep. Hudson Tallum up on
Voter Fraud, try to set
Phillip Carter, Fr. State Rep.
UP 3 Fr. State Rep. ME, FRED SMITH
Include



PHILLIP CARTER: Pleads in conspiracy



STEVEN JONES: A guilty plea to conspiring to bribe the former legislator.

[Skip to comments.](#)

Ark. State Rep. Hudson Hallum pleads guilty in absentee vote fraud case; resigns from legislature

Arkansas Times ^ | Wed, Sep 5, 2012 at 3:15 PM | Posted by Max Brantley

Posted on 9/5/2012 5:20:45 PM by [Deacon Benjamin](#)



PHILLIP CARTER: Pleads in

"The Informant"

HUDSON HALLUM: Pleads guilty in election fraud, resigns from office.

The U.S. attorney's office has announced that four men, including Democratic state Rep. Hudson Hallum of Marion, pleaded guilty today to felony conspiracy to commit election fraud in Hallum's special election victory last year. The case charges paying for bundled absentee ballots.

All four appeared today in federal court and were released on their own recognizance. The others were Hallum's father, Kent Hallum, a car dealer; West Memphis police officer Sam Malone and West Memphis City Councilman Phillip Carter.

Here's the indictment.

It says Carter had used the same absentee ballot fraud strategy in other elections at the state and federal level. Carter organized others, including Malone, a Quorum Court member, School Board member and police officer, to participate. They identified people likely to vote absentee, based on past elections, and arranged to have absentee ballots mailed. They tracked the progress of mailing and completing the ballots and paid voters in cash and other ways for Hallum votes, as well as checking to see how they voted. In one case, \$20 was provided for a "family meal" for eight. Ballots for opponent Kim Fulke were destroyed. They also conspired to evade the law that limits the number of absentee ballots a bearer may possess. Hallum, who won the runoff by 8 votes, got 394 of his 380 votes by absentee vote. Hallum then mailed bundles of the absentee votes his group had collected. The group also purchased half pints of vodka to distribute on election day. When questions were raised about the absentee votes, the Hallum group paid \$25 each to absentee voters to affirm their votes for Hallum at an Election Commission hearing. The voters came from District 54, which includes West Memphis, Marion, Earle,

Phillip Carter charged with conspiracy to commit Election Fraud, an set up Rep. Hudson Hallum with absentee ballots - buying. He is convicted!

and Turrell, Arkansas, as well as other rural areas of Crittenden County.

Said the indictment:

On or about May 22, 2011, PHILLIP WAYNE CARTER discussed the HALLUM campaign's absentee ballot strategy with an individual known to the Attorney for the United States and stated, "Folk gonna vote for whoever pay them."

Here's the news release on the case. Jane Duke led the investigation and was quoted:

"The most fundamental rights we enjoy as American citizens include the ability to vote and, if we so choose, to run for elected office. In a nation in which every person's vote matters, protecting the integrity of the electoral process from those who seek to win office by cheating the system is critical. Voter fraud schemes such as that carried out in the 2011 District 54 race have the devastating effect of eroding public confidence in elected officials and disenfranchising voters," said Duke.

Members of the House Democratic caucus received this e-mail from Hallum's address before the announcement:

Hello everyone,

It is with deep regret that I am sending this message out to each of you today. This afternoon I am going to plead guilty to federal charges stemming from an investigation into my special election. I took some bad advice that led to some bad decisions on my part. I am going to stand up and accept full responsibility for my actions. I am truly sorry because I know this news will have an effect on everyone's upcoming race. I would give anything to be able to change what happened but unfortunately I can not undo the past. Please accept my apologies and if any needs to contact me my number is 9013015650. It has been the greatest honor of my life to serve with each of you and our state is a better place for what you have done

Sincerely,

Hudson Hallum
Chief Paramedic, Crittenden EMS
State Representative (D-Marion)

A Democratic Party spokesman confirmed to me that Hallum resigned from office today. Cardace Martin issued this statement:

We are disappointed by the actions taken by Rep. Hallum. The sanctity of our elections and the rights of voters to see that every vote is counted fairly and responsibly are some of the basic, fundamental liberties of our democracy. No threat to those liberties can or should be endured. Hudson Hallum is taking responsibility for his actions and we hope that will help resolve things in a way to see that such activities will never be tolerated.

Sentencing will come later after pre-sentence reports. The maximum statutory penalty for the conspiracy charge is 5 years imprisonment plus a potential fine of \$250,000. The statements so far make no mention of inducements



U.S. Department of Justice

United States Attorney
Eastern District of Arkansas

FOR IMMEDIATE RELEASE
September 5, 2012

CONTACT: Jane W. Duke,
Attorney for the United
States, Acting Under
Authority Conferred by
28 U.S.C. § 515
501-340-2650

**FOUR CRITTENDEN COUNTY MEN CHARGED
WITH CONSPIRACY TO COMMIT ELECTION FRAUD**
State Legislator and Three Others Enter Guilty Pleas

Little Rock - Jane W. Duke, Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515, and Federal Bureau of Investigation Special Agent in Charge Randall C. Coleman announced the waiver of indictment and filing of a felony information charging four Crittenden County men with conspiracy to commit election fraud. This is the first known use of the Travel Act to bring charges for vote-buying in a purely local election.

The individuals charged include Hudson Healy, State Representative for District 54; his father, Kent Healy, West Memphis City Councilman Phillip Wayne Carter; and West Memphis Police Officer Sam Malone. In addition to waiving indictment, the defendants entered guilty pleas to the charge contained in the information. In doing so, each acknowledged his participation in a conspiracy to bribe voters to influence absentee votes in the Arkansas District 54 primary, its runoff election, and the general election, all of which were held between February and July 2011. At the time of the elections, District 54 included West Memphis, Marion, Earle, and Turrell, Arkansas, as well as other rural areas of Crittenden County.

"The most fundamental rights we enjoy as American citizens include the ability to vote and, if we so choose, to run for elected office. In a nation in which every person's vote matters, protecting the integrity of the electoral process from those who seek to win office by cheating the system is critical. Voter fraud schemes such as that carried out in the 2011 District 54 race have the devastating effect of eroding public confidence in elected officials and disenfranchising voters," said Duke.

News Release
U.S. Attorney's Office
9/5/12

Page 1 of 3

Phillip W. Carter is a disgrace to the community

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA)

v.)

HUDSON HALLUM;)
KENT HALLUM;)
PHILLIP WAYNE CARTER; and)
SAM MALONE)

No. 4:12-CR-00230 KGB

18 U.S.C. § 371



INFORMATION

~~THE ATTORNEY FOR THE UNITED STATES, ACTING UNDER AUTHORITY
CONFERRED BY 28 U.S.C. § 515 CHARGES THAT:~~

COUNT 1
(TRAVEL ACT CONSPIRACY)

A. *Factual Background*

1. On or about January 26, 2011, the state representative for District 54 of the Arkansas House of Representatives resigned his seat. Accordingly, a special primary election to fill the seat was scheduled to take place in April 2011. At the time, Arkansas District 54 included West Memphis, Marion, Earle, and Turrell, Arkansas, as well as other rural areas of Crittenden County, Arkansas.
2. Along with others, HUDSON HALLUM declared his candidacy as a Democrat in the special primary election. Because neither HUDSON HALLUM nor any other Democratic candidate obtained the required majority of votes in the April 20, 2011 special primary election, a special primary runoff election took place on May 10, 2011.
3. A special general election took place on July 12, 2011.
4. KENT HALLUM, father of HUDSON HALLUM, managed the finances and certain

U.S. District Court
Eastern District of Arkansas
James W. McCormack
600 West Capital Ave.
Room A149
Little Rock, AR72201

Kathleen S. Tighe or Brian R. Beers or
Authorized Person
Director Office of Information and Privacy
Department of Justice
10th & Constitution NW
Washington, D.C. 20530

Subject: Freedom of Information Act "FOIA" request

Dear Citizen Worker,

This is a request under Freedom of Information Act. I request that a copy of the following documents be provided to me, without delay on the attached item list showing:

- 1 Who filed complaint to enter property to seize items?
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- 3 What Judge signed the warrant if any or order to enter property?
- 4 Names of the persons who actually entered the property, building and office.
- 5 Who let the officers into the building in the first instance, and did he sign anything for letting them in, and is that person the owner of the building at that time.

I request a waiver of all fees for this request.

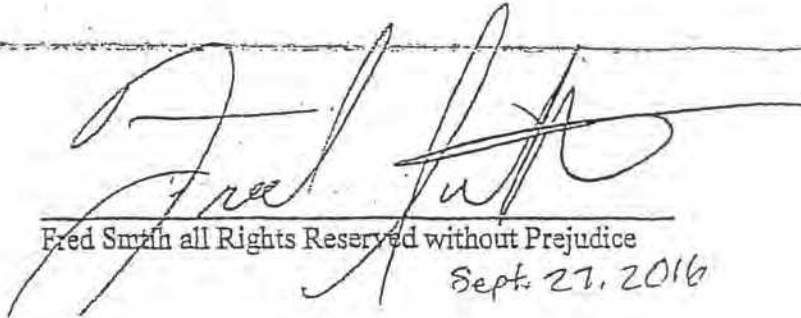
Disclosure of the requested information to me is in the public interest, because it is likely to contribute *significantly* to public understanding of the operations and activities of the federal government, and is not *primarily* in my commercial interest.

See also 5 USC 552(a)(4)(B). Statutes conferring original jurisdiction on federal district courts must be *strictly* construed.

If you are not the correct person to whom this FOIA request should be directed, please forward it without delay to the correct person(s).

Thank you for your timely consideration of this FOIA request.

Fred Smith
Box 303
Crawfordsville, Arkansas 72327


Fred Smith all Rights Reserved without Prejudice

Sept. 27, 2016

STATE OF ARKANSAS



To All to Whom These Presents Shall Come-Greeting:

Know Ye, That Whereas, It appears that

Fred Smith

was duly elected State Representative District 50 in and for the State of Arkansas, at an election held on the sixth day of November, Two Thousand Twelve.

Therefore, I, Mike Beebe, Governor of the State of Arkansas, in the name and by authority of the people of the State of Arkansas, vested in me by the Constitution and the laws of said State do hereby commission the aforesaid to the office of

State Representative District 50

in and for the State of Arkansas for and during the term prescribed by the laws of the State.

Fred Smith is, therefore, hereby authorized to do and perform all and singular the duties incumbent upon the office of

State Representative District 50

in and for the State of Arkansas, according to law and the trust reposed in said office.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at Little Rock, this fourteenth day of January, in the year of Our Lord, Two Thousand Thirteen.



Mike Beebe

Mike Beebe, Governor

Mark Martin

Mark Martin, Secretary of State

Statement of: Frederick Smith Date: Sept 20 2016 Page: 1
Address: P.O Box 303 Phone #: 901 573 9710
DOB: _____ M/F M B/W B Work place: 1/2
Case file #: _____ Complaint #: 1804542

On May 29, 2012, Brian R. Beers, an of officials enter into my building, that was open by a city councilman name Phillip Carter, to allow Brian Beers and of ficial to take such property without cause, I Fred Smith was the tenant of the building, I leasing this building through 15th church, to this day. I don't know how a west memphis city councilman, come out of nowhere. and open my door and let officer take my property. I believe Brian Beers, enter my property, of a illegal Entering, Theft of property, Burglary, Now I have information, and sworn affidavit,

" See Attach "

violated my 4th AMENDMENT

I have written this statement consisting of 1 page(s) and I affirm to the truth and accuracy of the facts contained therein.
This statement was completed at 12:00 p.m., on the 20 day of Sept, 2016.
WITNESS: [Signature]
WITNESS: [Signature] Signature of person giving voluntary statement

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 02 2018

JAMES W. McCORMACK, CLERK
By: *[Signature]* DEP. CLERK

DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF ARKANSAS

Frederick Smith

Vs.

Case:

PHILLIP CARTER - FBI; DOJ Informant 205 S. Redding St. West Memphis, AR 72301
BRIAN BEERS SPECIAL AGENT 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
US Department of Education 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201

COMPLAINT
NO SEARCH WARRANT VIOLATION
BURGLARY, TRESSPASS, THEFT OF PROPERTY
AND
ILLEGAL ENTERING, TRAFFICKING STOLEN GOODS

COME NOW; Fred Smith herein asks the court to determine, rule on, make a legal determination if there was, is, a "Warrant" to enter the office of a State Representative.

DISCUSSION

Former City Council member Phillip Carter was under the authority of the Eastern Division Little Rock Arkansas "Department of Justice" as an "Informant" who used to be a Correction Officer that went corrupt and was signed on to be a "Informant" for the FBI, and other Federal government agency to be the "bag man" for 'odd jobs' that were deemed important to the FBI, and other Federal government agencies. Phillip Carter was "recruited" by Brian Beers who got orders from the national office of "Department of Justice" - Little Rock, AR, ; where Brian Beers an agent of the Department of Education in Texas went into the office of a State Representative "without a warrant" and took all the property out of the office "without a warrant", transported the property across State lines, and then wrote a letter to petitioner to come get such property they took "with no warrant"; it is asked of this court to determine this "Fact", "Truth" by the "Evidence" that exist that petitioner was, is, never was convicted.

FACTS

- 1 Brian Beers, Phillip Carter together did not seek a copy of a grand jury indictment per *pre-requisite* AR 7-5-807(D) with a Warrant to enter petitioners office.
- 2 There was no finding of guilt per AR 7-5-808 that would allow the actions taken by Brian Beers, Phillip Carter, who should have known or knew that you cannot just break into the office

of a State Representative without a warrant and take all the property out of that office without a warrant.

3 The brains of corrupt behavior is Brian Beers who recruited Phillip Carter, a Department of Justice FBI Informant, where the two of them Brian Beers Principal and Phillip Carter Participant superior to physically carry out the enterprises desires-DEPARTMENT OF JUSTICE, with principal Brian Beers, directing the players by his influence and corrupt activity to enter the office of Fred Smith "Without a Warrant" which is illegal and unlawful and crush his character, good name that shocks the conscious, by stealing the office equipment, without a warrant of the 4th amendment.

4 Nor did Brian Beers, Phillip Carter pursuant to **Article 5 sec. 9 Constitution of Arkansas** filed a complaint after Fred Smith returned to his government seat in regards to the business of his constituents **AR 7-5-805** nor did they have a warrant to go into the office.

5 Phillip Carter & Brian Beers violated **AR 5-36-103** by deception that exercises unauthorized control over or makes an unauthorized transfer of an interest in the property of another person with the purpose of depriving the owner of the property.

- A) Defendants deliberately adhered and participated in a conflict of interest that violates the Constitution of Arkansas, and petitioner Article 4, sec. 2 Constitution of the United States "privileges & immunities" from having no warrant to enter the office of a State Rep. which violates the 4th Amendment of the Constitution of the United States.
- B) Defendants violated **AR 5-51-205** where they "acted" unlawfully without a "Warrant" for seizure of petitioner's office and office equipment without cause violating **AR 5-51-205**.
- C) Defendants knew or should have known that they may not use or hire an "informant" to break into the office of petitioner and take all of his personal effects in violation of the 4th amendment, and take all the property out of this "office" without a Warrant violating **AR 5-53-131**.
- D) Defendants made a legal determination without authority to do so, by recruiting Phillip Carter to assist them in taking property, breaking into, and illegal entering the private property of petitioner without a "Warrant" who violated **AR 25-16-1101**.
- E) Brian Beers, Phillip Carter under the direction of the DEPARTMENT OF JUSTICE, behaved with corruption in public office by stole his private property without a warrant that they knew or should have known they were violating **AR 5-52-107**. This corruption in public office has a history and long train of abuse because Phillip Carter et al always do it this way; this is why he has been being used for years to be the "Bag Man" for the DEPARTMENT OF JUSTICE and FBI et al.
- F) Brian Beers et al actions comply with **AR 5-53-131; 5-52-107**; and influencing action by an "Unknown" FBI Agent to give orders to Brian Beers and Phillip Carter to violate State law and the 4th Amendment of the Constitution of the United States to not secure a

“Warrant” to enter the office of a Government Official by the orders of some unknown person who violated **AR 5-52-105**.

- G) The actions by Brian Beers et al were calculated, deliberate and frivolous in regards to Arkansas law. **AR 5-52-107** Abuse & Corruption in Office; **AR 25-16-1102** Brian Beers et al was chosen and Brian Beers accepted the role; **AR 5-53-106** Brian Beers et al committed a “Constitutional Breach” of the 4th Amendment to take property out of an Sitting State Representative Official office with “No Warrant”.

STATE TRAFFICKING LAW VIOLATION

1 Under Color of Law, Brian R. Beers, Phillip Carter from orders of the DEPARTMENT OF JUSTICE transported, transmitted, or transferred in interstate or foreign commerce petitioners goods, wares, merchandise, securities, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud.

2 Under Color of Law, Brian R. Beers, Phillip Carter from orders of the DEPARTMENT OF JUSTICE, devised a scheme or artifice to obtain property by means of false or fraudulent pretenses, representations, or promises, by his transports or causes to be transported, or induces Brian R. Beers or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud petitioner and property having a value of \$5,000 or more.

3 Under Color of Law, He Brian R. Beers, from orders from the DEPARTMENT OF JUSTICE sent a letter years later, for petitioner to come get the property they stole, but they did not have a warrant to ascertain the property they were writing a letter to come get furthermore; they knew the property taken was done without a warrant by the letter to that says without saying “... We messed up, we had no warrant, so come get your property to get the DEPARTMENT OF JUSTICE off the hook” is absurd, they must go down,

4 Under Color of Law, Brian R. Beers knowing the same to have been stolen, converted or taken by fraud—Shall be fined under Federal Law or imprisoned not more than ten years, or both.

DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Petitioner herein seeks a Declaratory Judgment and Injunctive Relief to the acts, behavior of Brian Beers, Phillip Carter, DEPARTMENT OF EDUCATION Under Color of Law, who must show, verify what warrant they were given from a Judge in Crittenden County of Arkansas to

obtain such "Declaratory & Injunction" to stop defendants and reverse all action by defendants and declare such actions were, are without a "Warrant" and authority.

1 Article 4, section 2 Constitution of the United States provides petitioner with a privilege & immunity, to be free have a office and have office equipment without being targeted from a FBI informant, and Special Agent of the Department of Education, to have his office broken into and have his office equipment stolen without a 4th amendment warrant, shocks the conscious that a Federal official agent would behave in such manner against a State Representative.

2 DEPARTMENT OF EDUCATION has delegated its policing operations to, Special Agent Brian Beers who has delegated its statutory responsibility for, and final policy making authority regarding the provision of ENTERING a State Congressman's office without authority, 4th amendment warrant, by allowing a City Council Member Phillip Carter to perform this function for Department of Education without interference or correction.

3 DEPARTMENT OF EDUCATION has delegated its operations to Brian Beers who has delegated final policy making authority regarding the entering the office of a State Representative without permission, 4th amendment warrant and jurisdictional action, by allowing City Council Member Phillip Carter to perform aspects of this function without interference or correction.

4 The policy making decisions of DEPARTMENT OF EDUCATION with regard to the provision of ENTERING the office of a State Congressman are within the jurisdictional bounds of STATE OF ARKANSAS, Crittenden County and are imputed to Crittenden County Court.

5 The policy making decisions mentioned of DEPARTMENT OF EDUCATION including those imputed to Special Agent Brian Beers by DEPARTMENT OF EDUCATION are imputed to Crittenden County by Phillip Carter, are imputed and serve to bind both, Brian Beers, Phillip Carter to the jurisdiction of Crittenden County Court directly or indirectly in violation of ARA 7-1-103; AR5-53-131.

6 It is the official policy of DEPARTMENT OF EDUCATION, to steal a Sitting State Representatives private property by breaking into his office for no reason is forced slavery, violation of the Constitution of Arkansas, and Constitution of the United States too.

7 In the alternative, the manner in which CITY OF WEST MEMPHIS ARKANSAS City Council Member officials are trained, including the design and implementation of training programs and the follow-up supervision of trainees, is a matter of policy.

8 These actions committed have become widespread to recognize the quality of custom or usage in Department of Education. The official duty of final policy makers of DEPARTMENT OF

EDUCATION inter alia, to be informed of custom or usage and, such policy makers had manifest opportunities to be informed of Brian Beers, actions.

9 The actual or constructive knowledge of the existence of this custom or usage and intentionally or with deliberate indifference, failed to correct or stop the practices and thus condoned it. This condonement may fairly be attributed in part to STATE OF ARKANSAS and DEPARTMENT OF EDUCATION and part to CITY OF WEST MEMPHIS.

10 The actions committed deprived petitioner of his Constitutional Privileges and Immunities to adequate allowance of Constitutional Right to not be seized anywhere without law is furtherance of an official policy, custom or usage of DEPARTMENT OF EDUCATION, and WEST MEMPHIS CITY COUNCIL, and such official policy, custom, or usage was direct and proximate cause of such deprivation.

11 DEPARTMENT OF EDUCATION are not entitled to qualified, sovereign immunity because of the purchase of "Bond Insurance".

12 Brian Beers in his official capacity is a person within the meaning of 42 USC 1983.

13 Such conduct poses a pervasive and unreasonable risk of Constitutional violations and injury—such are the violations here; to petitioner. Phillip Carter a City Council Member got the keys from the Pastor who had actual constructive knowledge given to him from state officers, who knew or should have known having a meeting of the minds. Governors all decided to engage in conduct that posed pervasive and unreasonable risk of Constitutional violations and injury to petitioner.

14 The deliberate indifference to, or tacit authorization of, such unconstitutional conduct shows the response of actual or constructive knowledge of this pervasive and unreasonable risk of Constitutional violation and injury to petitioner.

15 A reasonable person in the position of defendants would have known that his or her actions violated petitioner's Article 4, section 2 Constitutional Privileges and immunities along with certain state statutory provisions.

16 Treble damages are entitled to be given to petitioner for such wrong or injury pursuant to Arkansas Law.

17 Defendants' conduct was willful or wanton in that it constituted the conscious and intentional disregard of, and indifference to, the privileges and immunities, of petitioner, which said

defendants knew, or should have known, was reasonably likely to result in injury, damage, or IRREPARABLE harm.

VIOLATING THE 4TH AMENDMENT

- 1 Brian R. Beers, Phillip Carter together met and discussed how and when to enter petitioners property without a warrant and search it and take all the property and examine it without warrant and just violate petitioner because he is African American.
- 2 DEPARTMENT OF EDUCATION failed to train, supervise, instruct, guide in the proper procedures of entering person's property. The aforementioned employer failed to instill and impart into Brian R. Beers, "integrity" to mimic and copy for the sake of protecting the laws of Arkansas, Rights of the Citizens of Arkansas, Privileges & Immunities as possessed pursuant to 4th Amendment; Article 4, sec. 2 Constitution of the United States, Policy & Custom of DEPARTMENT OF EDUCATION was established from this egregious act.
- 3 Brian R. Beers, Phillip Carter violated the proper levels of access for every transaction where he entered property of a sitting State Representative in violation of the 4th amendment of the Constitution of the United States from instructions from some FBI Agent to violate petitioner and damage the integrity of the name of petitioner, is a wicked, despicable, disgusting, rotten abuse of power to the 10th power, in complete disregard of law, Constitutions, policy and custom DEPARTMENT OF EDUCATION.

CONSTITUTIONAL QUESTIONS

BEHAVIOR of defendants has raised "Questions" on the Constitutionality of action of Brain Beers-Special Agent for Department of Education, and Phillip Carter employee/informant under the use and control of DEPARTMENT OF JUSTICE to go into the office a State Representative to take property without a 4th Amendment Warrant and transport such property to another State from where it was found, makes the following questions.

- 1 Can an employee of the Department of Education come into a State and use a FBI Informant to go into a State Representatives office without a warrant and take the property out of it and take it to another State?
- 2 Can a Federal employee without a warrant take property from a State Representatives office and transport it to another State?

- 3 Does the Constitution of the United States and Constitution of Arkansas make provisions for Phillip Carter, of Arkansas, Brian Beers of United States Department of Education employee together, to break into the office of a sitting State Representative, take all the office equipment out of the office, take it across state line, without a warrant?
- 4 Does the Constitution of Arkansas allow a Federal Employee to recruit a person "without a warrant"; to break into the office of a State Representative office that conducts the business affairs for a State Sponsored Federal government funded program called "SAVE OUR KIDS" and steal the office equipment for no reason?
- 1 **Article 1sec. 13** of the Arkansas Constitution states: *Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the law.* Defendants Brian R. Beers, Phillip Carter from a unknown FBI agent, without any court order or 4th amendment Warrant to go into the property when there was and is no court order or Warrant allowing them to just break-an-entering to such property because Phillip Carter [FBI Informant] and Brian R. Beers was a Special Agent is a egregious abuse of authority and law.

BREACH OF SECURITY AND MISCONDUCT ON DUTY

- 1 The actions of Brian R. Beers, Phillip Carter caused petitioner to be placed into a National Criminal base for no reason whatsoever. authority, which cause irreparable harm to petitioner without cause is clear and concise of an official policy to damage petitioner.
- 2 Brian R. Beers, Phillip Carter together met and discussed how and when to enter petitioners property without a warrant and search it and take all the property and examine it without warrant and just violate petitioner because he is African American.
- 3 DEPARTMENT OF EDUCATION & STATE OF ARKANSAS failed to train, supervise, instruct, guide in the proper procedures of entering person's property. The aforementioned employer failed to instill and impart into Brian R. Beers, Phillip Carter "integrity" to mimic and copy for the sake of protecting the laws of Arkansas, Rights of the Citizens of Arkansas, Privileges & Immunities as possessed pursuant to Article 4, sec. 2 Constitution of the United States.
- 4 Brian R. Beers, Phillip Carter violated the proper levels of access for every transaction where he entered property in violation of the 4th amendment of the Constitution of the United States from instructions of their policy and custom of the DEPARTMENT OF EDUCATION.
- 5 There was no search warrant issued because a FOIA request for it was done and a letter was returned stating "...we cannot provide you with that...".

RESPONDENT SUPERIOR

1 Brian R. Beers, Phillip Carter, DEPARTMENT OF FEDUCATION are persons within the meaning of 42 USC 1983, 1985.

2 DEPARTMENT OF EDUCATION is not entitled to 11th amendment immunity because it is local in nature. DEPARMENT OF EDUCATION is not entitled to sovereign immunity because of the purchase of insurance in bond and otherwise.

3 Article 4, section 2 Constitution of the United States provides petitioner with a privilege & immunity; to be free to obtain and conduct business without being targeted from Brian R. Beers, Phillip Carter et al. to enter his business property and just take all office equipment from no court order is criminal.

4 DEPARTMENT OF EDUCATION has delegated its policing operations to BRIAN R. BEERS who has recruited PHILLIP CARTER former State Representative with no responsibility for, and final policy making authority regarding the provision of ENTERING persons property to take office equipment and enter private property without a warrant, and take such equipment by allowing Brian R. Beers, to perform this function for DEPARTMENT OF EDUCATION without interference or correction.

5 DEPARMENT OF EDUCATION has delegated its INVESTIGATING operations to BRIAN R. BEERS who has delegated final policy making authority regarding the taking of property from businesses, entering business property without warrant, to Brian R. Beers, and jurisdictional action, by allowing Brian R. Beers, to perform aspects of this function without interference or correction. He has recruited Phillip Carter who participated in this theft, robbery, trespass, that is criminal.

6 The policy making decisions of DEPARTMENT OF EDUCATION with regard to the provision of ENTERING persons PRIVATE property and stealing are within the jurisdictional bounds of DEPARTMENT OF EDUCATION are imputed to Brian R. Beers.

7 The policy making decisions mentioned of Brian R. Beers including those imputed to Phillip Carter AS State Representative - STATE OF ARKANSAS are imputed to Phillip Carter by STATE OF ARKANSAS [indirectly] by Governor MIKE BEBE [at time of alleged action] are imputed and serve to bind both, STATE OF ARKANSAS, DEPARTMENT OF EDUCATION and Brian R. Beers, Phillip Carter directly or indirectly.

8 It is the official policy of STATE OF ARKANSAS and DEPARTMENT OF EDUCATION to deny citizens the right to be free upon the land of United States and be targeted by a State Official without law is forced slavery, violation of the Constitution of Arkansas, and Constitution of the United States too.

9 These actions committed have become widespread to recognize the quality of custom or usage in Arkansas & UNITED STATES OF AMERICA. The official duty of final policy makers of STATE OF ARKANSAS and DEPARTMENT OF EDUCATION inter alia, to be informed of custom or usage and, such policy makers had manifest opportunities to be informed.

10 The actual or constructive knowledge of the existence of this custom or usage and intentionally or with deliberate indifference, failed to correct or stop the practices and thus condoned it. This condonement may fairly be attributed in part to DEPARTMENT OF EDUCATION and STATE OF ARKANSAS, and part to BRIAN R. BEERS and PHILLIP CARTER.

11 The actions committed deprived petitioner of his Constitutional Privileges and Immunities to adequate allowance of Constitutional Right to not seize his property without a "Warrant" anywhere without law is furtherance of an official policy, custom or usage of STATE OF ARKANSAS, and DEPARTMENT OF EDUCATION, and such official policy, custom, or usage was direct and proximate cause of such deprivation.

12 GOVERNOR is not entitled to qualified, sovereign immunity because of the purchase of "Bond Insurance".

13 Brian R. Beers, Phillip Carter in their official capacities are persons within the meaning of 42 USC 1983.

14 Such conduct poses a pervasive and unreasonable risk of Constitutional violations and injury- such are the violations here; to petitioner. Brian R. Beers, Phillip Carter had actual constructive knowledge given to him from state officers, who knew or should have known having a meeting of the minds Brian R. Beers, Phillip Carter and Governor all decided to engage in conduct that posed pervasive and unreasonable risk of Constitutional violations and injury to petitioner.

15 The deliberate indifference to, or tacit authorization of, such unconstitutional conduct shows the response of actual or constructive knowledge of this pervasive and unreasonable risk of Constitutional violation and injury to petitioner.

16 A reasonable person in the position of defendants would have known that his or her actions violated petitioner's Article 4, section 2 Constitutional Privileges and immunities along with certain state statutory provisions.

17 GOVERNOR is liable under the law of Arkansas for such actions of Phillip Carter based on the doctrine of respondent superior.

18 Treble damages are entitled to be given to petitioner for such wrong or injury pursuant to Arkansas Law.

19 Petitioner is entitled to recover damages against STATE OF ARKANSAS, DEPARTMENT OF EDUCATION bonds' pursuant to Arkansas law and Laws of the United States.

20 Defendants' conduct was willful or wanton in that it constituted the conscious and intentional disregard of, and indifference to, the privileges and immunities, of petitioner, which said defendants knew, or should have known, was reasonably likely to result in injury, damage, or IRREPARABLE harm.

DEPRIVING DUE PROCESS. CONSPIRACY. DEPRIVATION AGAINST RIGHTS

1 This is a complained action for the deprivation of rights, conspiracy against rights and denial of petitioner privileges and immunities afforded from Article 4, sec.2 Constitution of the United States Denied. Defendant violated *RICO* and State and Federal Law i.e. 42 USC 1973; 18 USC 2314 – "Trafficking Stolen Goods", *Anderson v. United States* 411 US 211(1974); 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 52 USCA 10301.

2 Brian R. Beers per business card is a resident of Dallas, TX. Phillip Carter, Governor are residents of Arkansas and all are being sued separately in their official and individual capacities.

3 Governor was responsible for supervising the training, instruction, discipline, and conduct of PHILLIP CARTER including, but not limited to training, instruction, discipline, control, and conduct concerning jurisdiction, Constitution of Arkansas provisions for PROTECTING Citizens rights to not be profiled and have their personal and business property stolen without any Court order, order.

4 DEPARTMENT OF EDUCATION, STATE OF ARKANSAS. was responsible for instituting policy for the entering persons property which includes, but not limited to, setting policy guidelines for training for officers to enter persons property, take property out of premises with only a warrant where petitioner was not convicted to be subject to such behavior. Who told Brian R. Beers, Phillip Carter to go into petitioners business and take his property since no warrant issued to allow them to act, and display behavior to do that? Who told Brian R. Beers, Phillip Carter to steal and enter property falsely what amounts to a "Federal Crime" is evidence of a "Policy" and "Custom" to do this.

5 The established policy has created a custom to enter any person or Citizens property that is free in enjoyment of right to travel, not be seized in Arkansas for any reason. DEPARTMENT OF EDUCATION; STATE OF ARKANSAS is responsible for the established climate and custom that allows Brian R. Beers, Phillip Carter to use deliberate unreasonable AUTHORITY overstepping the State LAW & FEDERAL LAW for personal satisfaction because they were told to do such, in violating the 42 USC 1983, 1985 and denying Petitioner access the 4th Amendment because petitioner is exercising his free enjoyment of the Constitution of the United States privilege, in connection with the Constitution of Arkansas.

6 DEPARTMENT OF EDUCATION; is a political subdivisions of the United States of America.

7 Under 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985, at all times pertinent, DEPARTMENT OF EDUCATION; STATE OF ARKANSAS: was responsible for providing and maintaining advocacy of unlawful acts by groups or individuals against other persons or groups, in this case, by Brian R. Beers, Phillip Carter directly or indirectly allowed, authorized the provoking and inciting damage, creating false records, created false and misleading public notification database on petitioner, which action is not constitutionally protected, poses a threat to public order and Constitution of Arkansas, Constitution of the United States and 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia, and should be subject to criminal sanctions; Also, the deliberate and willful intention of Brian R. Beers, Phillip Carter to conduct behavior by depriving petitioners Right.

8 DEPARTMENT OF EDUCATION; STATE OF ARKANSAS has final policy making authority regarding the provisions on deprivation of rights and conspiracy against rights inter alia.

9 Defendants Governor and Brian R. Beers, Phillip Carter are residents of Arkansas. At all times Governor and Brian R. Beers, Phillip Carter were duly elected and hired and acting directors of DEPARTMENT OF EDUCATION; STATE OF ARKANSAS.

10 DEPARTMENT OF EDUCATION; STATE OF ARKANSAS has allowed Brian R. Beers, Phillip Carter to perform the entering persons PROPERTY without authority, train workers, set policy, which has established certain customs that violate the Constitution of Arkansas and Constitution of the United States. By creating injury to the 42 USC 1983, 1985; Article 4, sec. 2 Constitution of the United States inter alia.

11 At all times pertinent, Governor, Brian R. Beers, Phillip Carter conspired, as a group, had a meeting of the minds, possessing the power to allow petitioner to be safe by depriving his rights and conspired against his rights or stop the established train of abuse committed by Brian R. Beers, Phillip Carter who was suppose to allow any Citizen un deprived right nor conspire against that right unto petitioner. They carry this authority to make sure all of the orders, rules, instructions, policies and regulations promulgated are with the meaning of 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia. They failed to stop the action that caused this complaint, because they knew before hand thus verifying and perpetuating the violations listed and to be discussed or laid out.

FEDERAL TRAFFICKING VIOLATION

1 Brian R. Beers transported, transmitted, or transferred in interstate or foreign commerce petitioners goods, wares, merchandise, securities, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud.

2 Brian R. Beers, devised a scheme or artifice to defraud, to obtain property by means of false or fraudulent pretenses, representations, or promises, by his transports or causes to be transported, or induces Brian R. Beers or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud petitioner and property having a value of \$5,000 or more.

3 He Brian R. Beers sent a letter years after for petitioner to come get the property he stole, but petitioner did nothing because there was no search warrant for Brian R. Beers to take the property in the first place.

4 Brian R. Beers knowing the same to have been stolen, converted or taken by fraud—
Shall be fined under Federal Law or imprisoned not more than ten years, or both.

DELIBERATE DISREGARD OF STATE LAW

5 Brian R. Beers, Phillip Carter did not seek a copy of a grand jury indictment *per prerequisite* AR 7-5-807(D).

6 There was no finding of guilt per AR 7-5-808 that would allow the actions taken by BRIAN R. BEERS, PHILLIP CARTER, who should have known or knew that you cannot take property or enter property without a charge and court order. But did so, on his own as STATE OFFICER, recruit conspirators, OR that Governor knew or should have known, to conduct a meeting of the minds and devote time to make phone calls to a State Representative and conspire against another State Representative, that is treason against United States and Arkansas State, republics.

7 Nor did Brian R. Beers, Phillip Carter pursuant to Article 5 sec. 9 file a complaint after Fred Smith returned to his government seat in regards to the business of his constituents AR 7-5-805 or Constitution of Arkansas and Arkansas arrest procedures.

WHEREFORE petitioner, demands judgment against the defendants, jointly and severally, as follows:

- a.) As compensatory damages, the sum of \$ _____ ,
for each defendant; Department of Education \$ _____
- b.) As punitive damages on Brian Beers, Phillip Carters actions, in the sum of \$ _____
Dollars for each Defendants willful, arbitrary and negligent
action in treble damages, for stealing, and breaking and entering.
- c.) Exemplary and emotional damages be imposed for the petitioner's emotional distress
in restitution for his economic losses in his business - "Save Our Kids" that has been
terminated, in the sum of \$ _____ Dollars by each
defendant.
- d.) Attorneys' fees imposed in prosecuting this action pursuant to the Defendants actions;
- e.) And that other such further relief as to the Court deems proper.

Former Representative
Fred Smith

This ___ day of _____ 2018.

Frederick Smith

AFFIDAVIT

From: Former State Representative Frederick Smith - Arkansas

Vs.

US Department of Education 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
BRIAN BEERS SPECIAL AGENT 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
PHILLIP CARTER Former City Council 205 S. Redding St. West Memphis, AR 72301

BURGLARY, TRESSPASS, THEFT OF PROPERTY
AND
ILLEGAL ENTERING, TRAFFICKING STOLEN GOODS

COMES NOW; Petitioner former State Democratic Representative who was abused by the democrats of Arkansas to now complain to the Judiciary Committee to show of criminal actions done to a then State Representative, by a Department of Education officials who unlawfully and illegally entered the business of petitioner without a warrant to search and stole property in violation of 4th Amendment of the Constitution of the United States and Arkansas Law.

FACTS

- 1 It has been established that, Brian R. Beers, Phillip Carter participated in the smearing of public vistas of petitioner, damaging the good name of petitioner, by entering the property without a warrant to search or arrest or anything just went in because petitioner was involved in another situation regarding taking a seat as State rep for Arkansas.
- 2 Petitioner has never been 'sentenced' to become a 'fugitive from justice' or 'criminal' to allow Brian R. Beers, Phillip Carter to enter the property of petitioner and take such property without cause, just took it is egregious, criminal and wicked for a State Official and Government Special Agent to conduct themselves in theft, robbery, trespass and tort to the highest degree. Defendants Brian R. Beers, Phillip Carter devoted a certain amount of energy to destroy the character, integrity, good name of Fred Smith without cause that a reasonable person would be able to rationalize to the effect of the deliberate action in conspiracy with other State officials and from personal biased & prejudice when no crime by Fred Smith was committed.
- 3 Defendant Brian R. Beers, Phillip Carter gained advantage from, SPECIAL AGENT who he met with in secret, to discuss the demise of Fred Smith's good name. They conspired to do so from prejudice and biasness where they disregarded justice, the law, the rules of law, the ethics of jobs & duties, the Constitution of Arkansas, and

finally complete disregard for the Constitution of the United States and petitioners Article 4, Sec. 2 Privileges & Immunities.

- 4 As an Officer of the State being a State Representative, it is petitioners comprehension that if Fred Smith was guilty of any wrong doing, whatsoever, a "investigation" was to be conducted to determine if any 'criminal' charges were to be sought where Brian R. Beers, Phillip Carter could lawfully enter petitioner property by "4th amendment warrant" from a judge ruling as to Fred Smith's behavior. Instead of make a legal determination under color of law and process a color of law entry into the property of petitioner, simply to abuse Fred Smith.
- 5 **Article 1 sec. 13** of the Arkansas Constitution states: *Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the law.* Defendant Brian R. Beers, Phillip Carter who on their own without a order to go into the property when there was and is no court order allowing them to just obtain keys to enter such property because Phillip Carte was a State Representative and Brian R. Beers was a Special Agent is a egregious abuse of authority and law.
- 6 Since Defendant Brian R. Beers, Phillip Carter did this on his own with instruction of "Willful Blindness" of the Secretary of State/Chairman Democratic Party and Governor [former] to take Fred Smith down was the communication discussed between the parties aforementioned to violate the Constitution of Arkansas; Article 4, sec. 2 Constitution of the United States; laws of Arkansas and even the "Policy and Custom" for entering persons into the NCIC.
- 7 Fred Smith by Brian R. Beers, Phillip Carter direct action where the media who slandered Fred Smith by reporting he was convicted and had a copy of his picture in the news i.e. *Photo by Staton Breidenthal article by Sarah D. Wire of the "Arkansas Democratic Gazette"*.
- 8 Brian R. Beers, Phillip Carter stole property out of the office of petitioners business "Save Our Kids", without regard for any law, just did it by orders of the former Governor and present Secretary of State.

RESPONDENT SUPERIOR

1 Brian R. Beers, Phillip Carter, DEPARTMENT OF FEDUCATION are persons within the meaning of 42 USC 1983, 1985.

2 DEPARTMENT OF EDUCATION is not entitled to 11th amendment immunity because it is local in nature. DEPARMENT OF EDUCATION is not entitled to sovereign immunity because of the purchase of insurance in bond and otherwise.

3 Article 4, section 2 Constitution of the United States provides petitioner with a privilege & immunity, to be free to obtain and conduct business without being targeted from Brian R. Beers, Phillip Carter et al, to enter his business property and just take all office equipment from no court order is criminal.

4 DEPARTMENT OF EDUCATION has delegated its policing operations to BRIAN R. BEERS who has recruited PHILLIP CARTER former State Representative with no responsibility for, and final policy making authority regarding the provision of ENTERING persons property to take office equipment and enter private property without a warrant, and take such equipment by allowing Brian R. Beers, to perform this function for DEPARTMENT OF EDUCATION without interference or correction.

5 DEPARTMENT OF EDUCATION has delegated its INVESTIGATING operations to BRIAN R. BEERS who has delegated final policy making authority regarding the taking of property from businesses, entering business property without warrant, to Brian R. Beers, and jurisdictional action, by allowing Brian R. Beers, to perform aspects of this function without interference or correction. He has recruited Phillip Carter who participated in this theft, robbery, trespass, that is criminal.

6 The policy making decisions of DEPARTMENT OF EDUCATION with regard to the provision of ENTERING persons PRIVATE property and stealing are within the jurisdictional bounds of DEPARTMENT OF EDUCATION are imputed to Brian R. Beers.

7 The policy making decisions mentioned of Brian R. Beers including those imputed to Phillip Carter AS State Representative - STATE OF ARKANSAS are imputed to Phillip Carter by STATE OF ARKANSAS [indirectly] by Governor MIKE BEBE [at time of alleged action] are imputed and serve to bind both, STATE OF ARKANSAS, DEPARTMENT OF EDUCATION and Brian R. Beers, Phillip Carter directly or indirectly.

8 It is the official policy of STATE OF ARKANSAS and DEPARTMENT OF EDUCATION to deny citizens the right to be free upon the land of United States and be targeted by a State Official without law is forced slavery, violation of the Constitution of Arkansas, and Constitution of the United States too.

9 These actions committed have become widespread to recognize the quality of custom or usage in Arkansas & UNITED STATES OF AMERICA. The official duty of final policy makers of STATE OF ARKANSAS and DEPARTMENT OF EDUCATION inter alia, to be informed of custom or usage and, such policy makers had manifest opportunities to be informed.

10 The actual or constructive knowledge of the existence of this custom or usage and intentionally or with deliberate indifference, failed to correct or stop the practices and thus condoned it. This condonement may fairly be attributed in part to DEPARTMENT OF EDUCATION and STATE OF ARKANSAS, and part to BRIAN R. BEERS and PHILLIP CARTER.

11 The actions committed deprived petitioner of his Constitutional Privileges and Immunities to adequate allowance of Constitutional Right to not seize his property without a "Warrant" anywhere without law is furtherance of an official policy, custom or usage of STATE OF ARKANSAS, and DEPARTMENT OF EDUCATION, and such official policy, custom, or usage was direct and proximate cause of such deprivation.

12 GOVERNOR is not entitled to qualified, sovereign immunity because of the purchase of "Bond Insurance".

13 Brian R. Beers, Phillip Carter in their official capacities are persons within the meaning of 42 USC 1983.

14 Such conduct poses a pervasive and unreasonable risk of Constitutional violations and injury- such are the violations here; to petitioner. Brian R. Beers, Phillip Carter had actual constructive knowledge given to him from state officers, who knew or should have known having a meeting of the minds Brian R. Beers, Phillip Carter and Governor all decided to engage in conduct that posed pervasive and unreasonable risk of Constitutional violations and injury to petitioner.

15 The deliberate indifference to, or tacit authorization of, such unconstitutional conduct shows the response of actual or constructive knowledge of this pervasive and unreasonable risk of Constitutional violation and injury to petitioner.

16 A reasonable person in the position of defendants would have known that his or her actions violated petitioner's Article 4, section 2 Constitutional Privileges and immunities along with certain state statutory provisions.

17 GOVERNOR is liable under the law of Arkansas for such actions of Phillip Carter based on the doctrine of respondent superior.

18 Treble damages are entitled to be given to petitioner for such wrong or injury pursuant to Arkansas Law.

19 Petitioner is entitled to recover damages against STATE OF ARKANSAS, DEPARTMENT OF EDUCATION bonds' pursuant to Arkansas law and Laws of the United States.

20 Defendants' conduct was willful or wanton in that it constituted the conscious and intentional disregard of, and indifference to, the privileges and immunities, of petitioner, which said defendants knew, or should have known, was reasonably likely to result in injury, damage, or IRREPARABLE harm.

DEPRIVING DUE PROCESS, CONSPIRACY, DEPRIVATION AGAINST RIGHTS

1 This is a complained action for the deprivation of rights, conspiracy against rights and denial of petitioner privileges and immunities afforded from Article 4, sec.2 Constitution of the United States Denied. Defendant violated *RICO* and State and Federal Law i.e. 42 USC 1973; 18 USC 2314 - "Trafficking Stolen Goods", *Anderson v. United States* 411 US 211(1974); 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 52 USCA 10301.

2 Brian R. Beers per business card is a resident of Dallas, TX. Phillip Carter, Governor are residents of Arkansas and all are being sued separately in their official and individual capacities.

3 Governor was responsible for supervising the training, instruction, discipline, and conduct of PHILLIP CARTER including, but not limited to training, instruction, discipline, control, and conduct concerning jurisdiction, Constitution of Arkansas provisions for PROTECTING Citizens rights to not be profiled and have their personal and business property stolen without any Court order, order.

4 DEPARTMENT OF EDUCATION, STATE OF ARKANSAS, was responsible for instituting policy for the entering persons property which includes, but not limited to, setting policy guidelines for training for officers to enter persons property, take property out of premises with only a warrant where petitioner was not convicted to be subject to such behavior. Who told Brian R. Beers, Phillip Carter to go into petitioners business and take his property since no warrant issued to allow them to act, and display behavior to do that? Who told Brian R. Beers, Phillip Carter to steal and enter property falsely what amounts to a "Federal Crime" is evidence of a "Policy" and "Custom" to do this.

5 The established policy has created a custom to enter any person or Citizens property that is free in enjoyment of right to travel, not be seized in Arkansas for any reason. DEPARTMENT OF EDUCATION; STATE OF ARKANSAS is responsible for the established climate and custom that allows Brian R. Beers, Phillip Carter to use deliberate unreasonable AUTHORITY overstepping the State LAW & FEDERAL LAW for personal satisfaction because they were told to do such, in violating the 42 USC 1983, 1985 and denying Petitioner access the 4th Amendment because petitioner is exercising his free enjoyment of the Constitution of the United States privilege, in connection with the Constitution of Arkansas.

6 DEPARTMENT OF EDUCATION; is a political subdivisions of the United States of America.

7 Under 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985, at all times pertinent, DEPARTMENT OF EDUCATION; STATE OF ARKANSAS; was responsible for providing and maintaining advocacy of unlawful acts by groups or individuals against other persons or groups, in this case, by Brian R. Beers, Phillip Carter directly or indirectly allowed, authorized the provoking and inciting damage, creating false records, created false and misleading public notification database on petitioner, which action is not constitutionally protected, poses a threat to public order and Constitution of Arkansas, Constitution of the United States and 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia, and should be subject to criminal sanctions; Also, the deliberate and willful intention of Brian R. Beers, Phillip Carter to conduct behavior by depriving petitioners Right.

8 DEPARTMENT OF EDUCATION; STATE OF ARKANSAS has final policy making authority regarding the provisions on deprivation of rights and conspiracy against rights inter alia.

9 Defendants Governor and Brian R. Beers, Phillip Carter are residents of Arkansas. At all times Governor and Brian R. Beers, Phillip Carter were duly elected and hired and acting directors of DEPARTMENT OF EDUCATION; STATE OF ARKANSAS.

10 DEPARTMENT OF EDUCATION; STATE OF ARKANSAS has allowed Brian R. Beers, Phillip Carter to perform the entering persons PROPERTY without authority, train workers, set policy, which has established certain customs that violate the Constitution of Arkansas and Constitution of the United States. By creating injury to the 42 USC 1983, 1985; Article 4, sec. 2 Constitution of the United States inter alia.

11 At all times pertinent, Governor, Brian R. Beers, Phillip Carter conspired, as a group, had a meeting of the minds, possessing the power to allow petitioner to be safe by depriving his rights and conspired against his rights or stop the established train of abuse committed by Brian R. Beers, Phillip Carter who was suppose to allow any Citizen un deprived right nor conspire against that right unto petitioner. They carry this authority to make sure all of the orders, rules, instructions, policies and regulations promulgated are with the meaning of 18 USC 241, 242; ARA 7-1-103; AR5-53-131; 42 USC 1983, 1985 inter alia. They failed to stop the action that caused this complaint, because they knew before hand thus verifying and perpetuating the violations listed and to be discussed or laid out.

FEDERAL TRAFFICKING VIOLATION

- 1 Brian R. Beers transported, transmitted, or transferred in interstate or foreign commerce petitioners goods, wares, merchandise, securities, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud.
- 2 Brian R. Beers, devised a scheme or artifice to defraud, to obtain property by means of false or fraudulent pretenses, representations, or promises, by his transports or causes to be transported, or induces Brian R. Beers or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud petitioner and property having a value of \$5,000 or more.
- 3 He Brian R. Beers sent a letter years after for petitioner to come get the property he stole, but petitioner did nothing because there was no search warrant for Brian R. Beers to take the property in the first place.
- 4 Brian R. Beers knowing the same to have been stolen, converted or taken by fraud—
Shall be fined under Federal Law or imprisoned not more than ten years, or both.

DELIBERATE DISREGARD OF STATE LAW

- 5 Brian R. Beers, Phillip Carter did not seek a copy of a grand jury indictment per *pre-requisite* AR 7-5-807(D).
- 6 There was no finding of guilt per AR 7-5-808 that would allow the actions taken by BRIAN R. BEERS, PHILLIP CARTER, who should have known or knew that you cannot take property or enter property without a charge and court order. But did so, on his own as STATE OFFICER, recruit conspirators, OR that Governor knew or should have known, to conduct a meeting of the minds and devote time to make phone calls to a State Representative and conspire against another State Representative, that is treason against United States and Arkansas State, republics.
- 7 Nor did Brian R. Beers, Phillip Carter pursuant to Article 5 sec. 9 file a complaint after Fred Smith returned to his government seat in regards to the business of his constituents AR 7-5-805 or Constitution of Arkansas and Arkansas arrest procedures.

BREACH OF SECURITY AND MISCONDUCT ON DUTY

- 1 The actions of Brian R. Beers, Phillip Carter caused petitioner to be placed into a National Criminal base for no reason whatsoever, authority, which cause irreparable

harm to petitioner without cause is clear and concise of an official policy to damage petitioner.

2. Brian R. Beers, Phillip Carter together met and discussed how and when to enter petitioners property without a warrant and search it and take all the property and examine it without warrant and just violate petitioner because he is African American.
3. DEPARTMENT OF EDUCATION & STATE OF ARKANSAS failed to train, supervise, instruct, guide in the proper procedures of entering person's property. The aforementioned employer failed to instill and impart into Brian R. Beers, Phillip Carter "integrity" to mimic and copy for the sake of protecting the laws of Arkansas, Rights of the Citizens of Arkansas, Privileges & Immunities as possessed pursuant to Article 4, sec. 2 Constitution of the United States.
4. Brian R. Beers, Phillip Carter violated the proper levels of access for every transaction where he entered property in violation of the 4th amendment of the Constitution of the United States from instructions of their policy and custom of the DEPARTMENT OF EDUCATION.
5. There was no search warrant issued because a FOIA request for it was done and a letter was returned stating "...we cannot provide you with that...".

PROPERTY STOLEN:

Epson Work Force Printer/Copier Model C365A[serial number: MJLY007678];
Blackberry Cell Phone 9630, PESN HEX: 80767015, SIM Card#8901010008230119739F; TDK
CD-R80; Note Sheet; SanDisk 2GB Thumb drive, SCDZ36-002G, PNY2GB Thumb drive
THNU!)HAORA00; Compaq Presario SR1313CL, Product#P5513AA, Serial#CNY4520HGB;
Multiple boxes of records, states the following:

This 17 day of April 2017


Fred Smith

ARKANSAS STATE

COUNTY OF Crittenden

I Bernice Marshall a notary public state, Frederick Smith has Sworn and
Subscribe before me by WITNESS of my hand this 17th day of April
2017 Bernice Marshall

My Commission Expires 07/25/2018





UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INSPECTOR GENERAL
1999 BRYAN STREET, HARWOOD CENTER, SUITE 1443
DALLAS, TEXAS 75201
PHONE: (214) 661-9520 FAX: (214) 661-9539

Date: March 31, 2015

Fred Smith
7601 Broken Hickory Dr.
Walls, MS 38680-8989

Dear Mr. Smith:

This letter is being sent to you regarding property currently in the possession of the U.S. Department of Education, Office of Inspector General. The items were seized pursuant to a search warrant executed at 2422 East Broadway, West Memphis, Arkansas 72301 on May 29, 2012. The following is a list of the items:

1. Epson Work Force Printer/Copier Model C365A (Serial#MPLY007678)
2. Blackberry Cell Phone 9630, PESN HEX: 80767015, SIM Card#8901010008230119739F, Micro SD-C016
3. TDK CD-R80 (unlabeled)
4. Note Sheet (includes password)

I'm still waiting on a search warrant issued by a Judge, if not a search warrant, that will be theft of property, taking property across state line, without consent

~~5. SanDisk 2GB Thumb drive, SCDZ56-1020, FN Y2GB thumb drive TRFVCT0PH50R400~~

6. Compaq Presario SR1313CL, Product#P5513AAR, Serial#CNY4520HGB
7. Multiple boxes of records

The items listed above need to be returned or destroyed. If you would like to have some or all of the items returned to you please call (214) 661-9528. If you do not contact this office within 30 days of receiving this letter, all of the property listed above will be destroyed.

Sincerely,

Brian Beers

Brian R. Beers
Special Agent

Kathleen S. Tighe U.S. Department of Education office of Inspector General

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
OFFICE OF THE CLERK
600 WEST CAPITOL AVENUE
Room A149
LITTLE ROCK, ARKANSAS 72201

JAMES W. McCORMACK
CLERK

PHONE 501-604-5351
FAX 501-604-5321

October 4, 2016

Mr. Fred Smith
Post Office Box 303
Crawfordsville, Arkansas 72327

Re: Request for Information

Dear Mr. Smith:

This confirms your request for information concerning a search warrant. I am unable to locate a search warrant case based on the information provided. There are no public records available for a search warrant issued for 2422 East Broadway in West Memphis, Tennessee, in 2012. Please provide a case number for additional information. Thank you.

Sincerely,

JAMES W. McCORMACK, CLERK

By: Tammy Downs
Tammy Downs Deputy Clerk

Enclosure

cc: James McCormack, Clerk of Court

Kathleen S. Tighe or Brian R. Beers or
Authorized Person

Director Office of Information and Privacy
Department of Justice
10th & Constitution NW
Washington, D.C. 20530

Subject: Freedom of Information Act "FOIA" request

Dear Citizen Worker;

This ^xis a request under Freedom of Information Act. I request that a copy of the following documents be provided to me, without delay on the attached item list showing:

- 1 Who filed complaint to enter property to seize items?
- 2 Was there a warrant if so, provide a copy.
- 3 What Judge signed the warrant if any or order to enter property?
- 4 Names of the persons who actually entered the property, building and office.
- 5 Who let the officers into the building in the first instance, and did he sign anything for letting them in, and is that person the owner of the building at that time.

I request a waiver of all fees for this request.

Disclosure of the requested information to me is in the public interest, because it is likely to contribute *significantly* to public understanding of the operations and activities of the federal government, and is not *primarily* in my commercial interest.

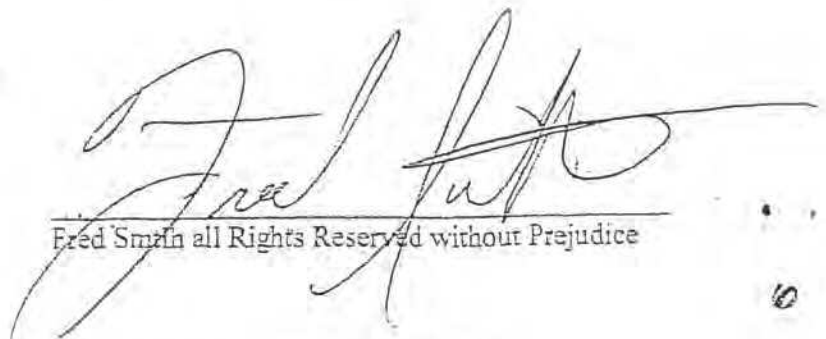
See also 5 USC 552(a)(4)(B). Statutes conferring original jurisdiction on federal district courts must be *strictly* construed.

If you are not the correct person to whom this FOIA request should be directed, please forward it without delay to the correct person(s).

Thank you for your timely consideration of this FOIA request.

Fred Smith
Box 303
Crawfordsville, Arkansas 72327

July 20, 2015



Fred Smith all Rights Reserved without Prejudice

Commercial Improvements

Commercial Improvement #1



I Fred Smith, was the tenant of this building, I leasing this building through 15th St. Church, to this day I don't know how a West Memphis city councilman, com out of nowhere and open my door and let officer seize my property.. I was never notified, or saw a search warrant,

**ILLEGAL ENTERING
BURGLARY, TRESSPASS
THEFT OF PROPERTY**

Building Section #: 1
 Business Name: EDEN HOUSE ADULT DAY CARE
 Location: 2422 E BROADWAY
 Total SF: 1,152
 Stories: 1
 Year Built: 1950
 Effective Age: 35
 Occupancy:

Code	Description	Class	Percent
426	Day Care Center	C-2	100%

2/25/2015

www.arcountydata.com

FIFTEENTH STREET CHURCH OF GOD IN CHRIST-377011000000

ARCountyData.com

Basic Info

Parcel Number: 377011000000

County Name: Crittenden County

Ownership Information: FIFTEENTH STREET CHURCH OF GOD IN CHRIST
121 S 15TH ST
WEST MEMPHIS, AR 72301

Property Address: FIFTEENTH STREET CHURCH OF GOD IN CHRIST
2425 S LEADWAY
WEST MEMPHIS, AR 72301
Map This Address

Billing Information: FIFTEENTH STREET CHURCH OF GOD IN CHRIST
121 S 15TH ST
WEST MEMPHIS, AR 72301

Total Acres: .34

Timber Acres: 0.00

Sec-Twp-Rng: 08-06-09

Lot/Block: W100 E 1/4 OF 9/1

Subdivision: RICH EASTERN

Legal Description: W100' OF 1/4 E 1/4 E 1/4 OF LOT 9 PLAT BK 2 PG 50

School District: WEST MEMPHIS CITY

Improvement Districts: DRAINAGE DIST 9, ROAD DIST 9, LEVEE DIST

Homestead Parcel?: No

Tax Status: Taxable

Over 65?: No

Need a report for your business?

Subscriber accounts can print sales, land usage, parcel details, parcel history, valuations, mailing labels and mailing address reports quickly and easily.

Sign Up Now

After the US Dep. Education, illegal entering my business on property, stole my press pass, the program have been out of operation for 4 year



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

July 29, 2015

Mr. Fred Smith
Box 303
Crawfordsville, Arkansas 72327

Dear Mr. Smith,

This letter is to acknowledge receipt of your July 20, 2015, Freedom of Information Act (FOIA) request. You requested a copy of documents relating to a search warrant executed on May 29, 2012. Your request is being processed. We have assigned FOIA number 1507-163-F to your request.

Sincerely,


Gale Hoes
Program Specialist

cc: Department's OIG Office

**AFTER requesting a FOIA,
Department FOIA Office said
I will not be able to get a
copy of the documents
relating to a search warrant.**

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• Conviction of animal cruelty report...

2nd guilty plea in bribery case over state mental health services

Posted By Max Brantley on Thu, Sep 17, 2015 at 12:14 PM

Arkansas Business reports here on a federal court filing Wednesday that shows a second person has pleaded guilty to a bribery scheme to help a mental health contractor for the state Department of Human Services.

Phillip Carter, a former West Memphis councilman and juvenile probation officer, pleaded guilty to conspiring to bribe Steven Jones, a former legislator from Marion and a DHS official. Jones pleaded guilty earlier and is awaiting sentencing. An unidentified West Memphis pastor also was found to be a participant in funneling money from a mental health care company, unidentified in federal charges but identified by state officials as the businesses of Ted Suhl. His inpatient facility, Warm Springs — Trinity Behavioral Health Services, once known as the Suhl Ranch — and a statewide counseling business were cut off from state reimbursement by Medicaid after the investigation became public.

Suhl and his companies have not been charged, but continue to receive reports of ongoing federal grand jury review.

It is another case — like that of former Judge Mike Maggio — where the federal government has won a guilty plea from someone who said they accepted a bribe but hasn't charged anyone and usually making the bribe. Maggio said he took campaign contributions to influence his decision to reduce a judgment in a nursing home negligence case. It's a matter of record that former Republican Sen. Gilbert Baker rounded up money from nursing home owner Michael Morton for Maggio's campaign, as those of many other judges, including significant amounts for newly elected Supreme Court Justice Theda Wood. A nursing home owned by Morton had its penalty reduced from \$6.2 million to \$1 million by Maggio. Morton and Baker have not been charged with anything or named in the Maggio charges and both have said they've done nothing wrong.

Meanwhile back at the Suhl: His Trinity Health continues to operate in Warm Springs, Ark., without paying customers from Arkansas. A DHS spokesman told me this week that there are currently three residents at the facility, which the state still inspects for compliance with rules pertaining to residential mental health facilities.

Phillip Carter, earlier involved in an absentee vote buying scheme, will be sentenced next February.

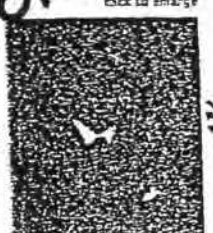
Here's the federal charge filed against Carter, with details of the scheme.

The charge details a four-year bribery scheme, laundering payments from the health care company through the unnamed pastor's church, to be turned over to one or more of the participants. Jones provided information useful to the health care company's business about internal matters at DHS.

The information says the targeted health care operator was under surveillance when he handed a \$2,000 check to Carter in a Memphis restaurant when Jones left the table. Carter put the check in his pocket.

Tags: Phillip Carter, Steve Jones, Department of Human Services, Suhl's Ranch, Trinity Behavior Health Care., Image

Handwritten notes:
"Phillip Carter, became an informant to set me up, after he set up Steve Jones, on another day, another job... Jason..."
"Trying to set me up, after he set up Steve Jones, on another day, another job... Jason..."
"set up, Fe. state Rep. set up on bribery on then set up on Fr. Rep. Hudson Hallum up on voter fraud, Fr. state Rep. Phillip Carter, why to set up 3 Fr. State Rep. Include ME, FRED SMITH"



PHILLIP CARTER: Pleads in conspiracy



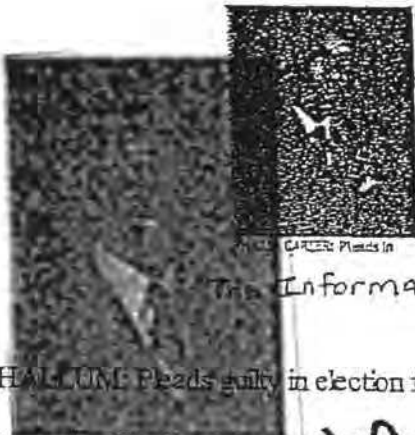
STEVEN JONES: A guilty plea to conspiring to bribe the former legislator.

[Skip to comments.](#)

Ark. State Rep. Hudson Hallum pleads guilty in absentee vote fraud case; resigns from legislature

Arkansas Times ^ | Wed, Sep 5, 2012 at 3:15 PM | Posted by Max Brantley

Posted on 9/5/2012 5:20:45 PM by [Deacon Benjamin](#)



PHILLIP CARTER Pleads in
The "Informant"

HUDSON HALLUM Pleads guilty in election fraud, resigns from office.

The U.S. attorney's office has announced that four men, including Democratic state Rep. Hudson Hallum of Marion, pleaded guilty today to felony conspiracy to commit election fraud in Hallum's special election victory last year. The case charges paying for bundled absentee ballots.

All four appeared today in federal court and were released on their own recognizance. The others were Hallum's father, Kent Hallum, a car dealer; West Memphis police officer Sam Malone and West Memphis City Councilman Phillip Carter.

Here's the indictment.

It says Carter had used the same absentee ballot fraud strategy at other elections at the state and federal level. Carter organized others, including Malone, a Quorum Court member, School Board member and police officer, to participate. They identified people likely to vote absentee, based on past elections, and arranged to have absentee ballots mailed. They tracked the progress of mailing and completing the ballots and paid voters in cash and other ways for Hallum votes, as well as checking to see how they voted. In one case, \$20 was provided for a "family meal" for eight. Ballots for opponent Kim Fulke were destroyed. They also conspired to evade the law that limits the number of absentee ballots a bearer may possess. Hallum, who won the runoff by 8 votes, got 394 of his 880 votes by absentee vote. Hallum then mailed bundles of the absentee votes his group had collected. The group also purchased half pints of vodka to distribute on election day. When questions were raised about the absentee votes, the Hallum group paid \$25 each to absentee voters to affirm their votes for Hallum at an Election Commission hearing. The voters came from District 54, which includes West Memphis, Marion, Earle,

*Phillip Carter charged with
conspiracy to commit Election
fraud, an set up Rep. Hudson
Hallum with absentee
ballots, an vote-buying.
He is convicted!*

5/13
and Turrell, Arkansas, as well as other rural areas of Crittenden County.

Said the indictment:

On or about May 22, 2011, PHILLIP WAYNE CARTER discussed the HALLUM campaign's absentee ballot strategy with an individual known to the Attorney for the United States and stated, "Folk gonna vote for whoever pay them."

Here's the news release on the case. Jane Duke led the investigation and was quoted:

"The most fundamental rights we enjoy as American citizens include the ability to vote and, if we so choose, to run for elected office. In a nation in which every person's vote matters, protecting the integrity of the electoral process from those who seek to win office by cheating the system is critical. Voter fraud schemes such as that carried out in the 2011 District 54 race have the devastating effect of eroding public confidence in elected officials and disenfranchising voters," said Duke.

Members of the House Democratic caucus received this e-mail from Hallum's address before the announcement:

Hello everyone,

It is with deep regret that I am sending this message out to each of you today. This afternoon I am going to plead guilty to federal charges stemming from an investigation into my special election. I took some bad advice that led to some bad decisions on my part. I am going to stand up and accept full responsibility for my actions. I am truly sorry because I know this news will have an effect on everyone's upcoming race. I would give anything to be able to change what happened but unfortunately I can not undo the past. Please accept my apologies and if any needs to contact me my number is 9013015650. It has been the greatest honor of my life to serve with each of you and our state is a better place for what you have done

Sincerely,

Hudson Hallum
Chief Paramedic, Crittenden EMS
State Representative (D-Marion)

A Democratic Party spokesman confirmed to me that Hallum resigned from office today. Cardace Martin issued this statement:

We are disappointed by the actions taken by Rep. Hallum. The sanctity of our elections and the rights of voters to see that every vote is counted fairly and responsibly are some of the basic, fundamental liberties of our democracy. No threat to those liberties can or should be endured. Hudson Hallum is taking responsibility for his actions and we hope that will help resolve things in a way to see that such activities will never be tolerated.

Sentencing will come later after pre-sentence reports. The maximum statutory penalty for the conspiracy charge is 5 years imprisonment plus a potential fine of \$250,000. The statements so far make no mention of inducements



U.S. Department of Justice

United States Attorney
Eastern District of Arkansas

FOR IMMEDIATE RELEASE
September 5, 2012

CONTACT: Jane W. Duke,
Attorney for the United
States, Acting Under
Authority Conferred by
28 U.S.C. § 515
501-340-2650

FOUR CRITTENDEN COUNTY MEN CHARGED
WITH CONSPIRACY TO COMMIT ELECTION FRAUD
State Legislator and Three Others Enter Guilty Pleas

Little Rock - Jane W. Duke, Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515, and Federal Bureau of Investigation Special Agent in Charge Randall C. Coleman announced the waiver of indictment and filing of a felony information charging four Crittenden County men with conspiracy to commit election fraud. This is the first known use of the Travel Act to bring charges for vote-buying in a purely local election.

The individuals charged include Hudson H. King, State Representative for District 54; his father, Kent Hall King, West Memphis City Councilman; Phillip Wayne Carter, and West Memphis Police Officer, Sam Malone. In addition to waiving indictment, the defendants entered guilty pleas to the charge contained in the information. In doing so, each acknowledged his participation in a conspiracy to bribe voters to influence absentee votes in the Arkansas District 54 primary, its runoff election, and the general election, all of which were held between February and July 2011. At the time of the elections, District 54 included West Memphis, Marion, Earle, and Turrell, Arkansas, as well as other rural areas of Crittenden County.

"The most fundamental rights we enjoy as American citizens include the ability to vote and, if we so choose, to run for elected office. In a nation in which every person's vote matters, protecting the integrity of the electoral process from those who seek to win office by cheating the system is critical. Voter fraud schemes such as that carried out in the 2011 District 54 race have the devastating effect of eroding public confidence in elected officials and disenfranchising voters," said Duke.

News Release
U.S. Attorney's Office
9/5/12

Page 1 of 3

Phillip W. Carter is a disgrace to the community and society

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA)

v.)

No. 4:12-CR-00230 KGB

HUDSON HALLUM;)

KENT HALLUM;)

PHILLIP WAYNE CARTER; and)

SAM MALONE)

18 U.S.C. § 371



INFORMATION

THE ATTORNEY FOR THE UNITED STATES, ACTING UNDER AUTHORITY
CONFERRED BY 28 U.S.C. § 515 CHARGES THAT:

COUNT 1
(TRAVEL ACT CONSPIRACY)

A. *Factual Background*

1. On or about January 26, 2011, the state representative for District 54 of the Arkansas House of Representatives resigned his seat. Accordingly, a special primary election to fill the seat was scheduled to take place in April 2011. At the time, Arkansas District 54 included West Memphis, Marion, Earle, and Turrell, Arkansas, as well as other rural areas of Crittenden County, Arkansas.

2. Along with others, HUDSON HALLUM declared his candidacy as a Democrat in the special primary election. Because neither HUDSON HALLUM nor any other Democratic candidate obtained the required majority of votes in the April 20, 2011 special primary election, a special primary runoff election took place on May 10, 2011.

3. A special general election took place on July 12, 2011.

4. KENT HALLUM, father of HUDSON HALLUM, managed the finances and certain

U.S. District Court
Eastern District of Arkansas
James W. McCormack
600 West Capital Ave.
Room A149
Little Rock, AR72201

Kathleen S. Tighe or Brian R. Beers or
Authorized Person

Director Office of Information and Privacy
Department of Justice
10th & Constitution NW
Washington, D.C. 20530

Subject: Freedom of Information Act "FOIA" request

Dear Citizen Worker,

This is a request under Freedom of Information Act. I request that a copy of the following documents be provided to me, without delay on the attached item list showing:

- 1 Who filed complaint to enter property to seize items?
- 2 Was there a warrant if so, provide a copy.
- 3 What Judge signed the warrant if any or order to enter property?
- 4 Names of the persons who actually entered the property, building and office.
- 5 Who let the officers into the building in the first instance, and did he sign anything for letting them in, and is that person the owner of the building at that time.

I request a waiver of all fees for this request.

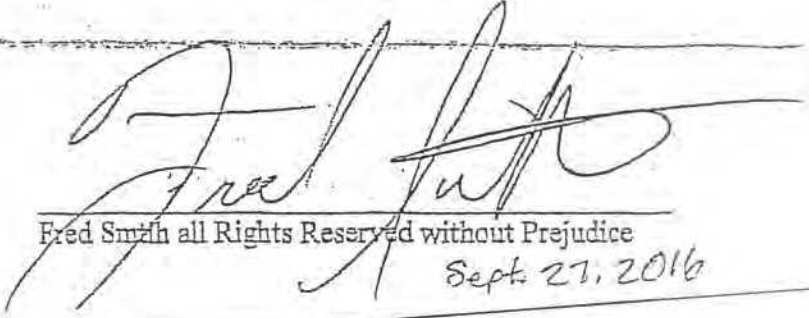
Disclosure of the requested information to me is in the public interest, because it is likely to contribute *significantly* to public understanding of the operations and activities of the federal government, and is not *primarily* in my commercial interest.

See also 5 USC 552(a)(4)(B). Statutes conferring original jurisdiction on federal district courts must be *strictly* construed.

If you are not the correct person to whom this FOIA request should be directed, please forward it without delay to the correct person(s).

Thank you for your timely consideration of this FOIA request.

Fred Smith
Box 303
Crawfordsville, Arkansas 72327


Fred Smith all Rights Reserved without Prejudice

Sept 27, 2016

STATE OF ARKANSAS



To All to Whom These Presents Shall Come-Greeting;

Know Ye, That Whereas, It appears that

Fred Smith

was duly elected State Representative District 50 in and for the State of Arkansas, at an election held on the sixth day of November, Two Thousand Twelve.

Therefore, I, Mike Beebe, Governor of the State of Arkansas, in the name and by authority of the people of the State of Arkansas, vested in me by the Constitution and the laws of said State do hereby commission the aforementioned to the office of

State Representative District 50

in and for the State of Arkansas for and during the term prescribed by the laws of the State.

Fred Smith is, therefore, hereby authorized to do and perform all and singular the duties incumbent upon the office of

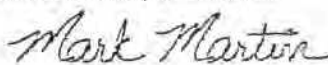
State Representative District 50

in and for the State of Arkansas, according to law and the trust reposed in said office.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at Little Rock, this fourteenth day of January, in the year of Our Lord, Two Thousand Thirteen.



Mike Beebe, Governor



Mark Martin, Secretary of State

Statement of: Frederick Smith Date: Sept 20 2016 Page: 1
Address: P.O Box 303 Phone #: 901 573 9710
DOB: _____ M/F M B/W B Work place: W
Case file #: _____ Complaint #: 1804542

On May 29, 2012, Brian R. Beers, an of officials enter into my building, that was open by a city councilman name Phillip Carter, to allow Brian Beers and official to take such property without cause, I Fred Smith was the tenant of the building, I leasing this building through 15th church, to this day I don't know how a west memphis city councilman, came out of nowhere and open my door and let officer take my property, I believe Brian Beers, enter my property, afa Illegal Entering, Theft of property, Burglary, NOW I have information, and sworn affidavit,

" See Attach "

violated my 4th AMENDMENT

I have written this statement consisting of 1 page(s) and I affirm to the truth and accuracy of the facts contained therein.
This statement was completed at 12:20 pm., on the 20 day of Sept, 2016.

WITNESS: _____
WITNESS: _____
Signature of person giving voluntary statement

UNITED STATES DISTRICT COURT
for the

Frederick Smith)
Plaintiff/Petitioner)
v.)
U.S. Department of Edc.)
Defendant/Respondent)
Brian Beers, Special Agent)
Phillip Carter, Fmr. City Council)

Civil Action No.

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: _____

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period) _____

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|------------------------------|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ 0 (unemployed)

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):

2005 Motorless
Ford expedition.

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

Living with Family

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

Fred Smith Jr. son
Gabriella Smith Daughter
Fred Smith Sr - Daddy
Tasha Smith Wife

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

None

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: JANUARY 24, 2018

Applicant's signature

Frederick Smith
Printed name

IN THE DISTRICT COURT OF U.S. COURT, ARKANSAS

IN RE PETITION OF Fred Smith
TO PROCEED IN FORMA PAUPERIS

CASE NO. _____

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW the Plaintiff, Fred Smith, *pro se*, who hereby petitions the court for Leave to Proceed *In Forma Pauperis* and does allege and state as follows:

1. That Plaintiff, a resident of the State of Arkansas, has prepared and desires to file with this Court a LAW SUIT.

2. That Plaintiff has completed an Affidavit in Support of Request to *Proceed In Forma Pauperis* setting out his/her income and assets. Plaintiff's Affidavit accompanies this petition.

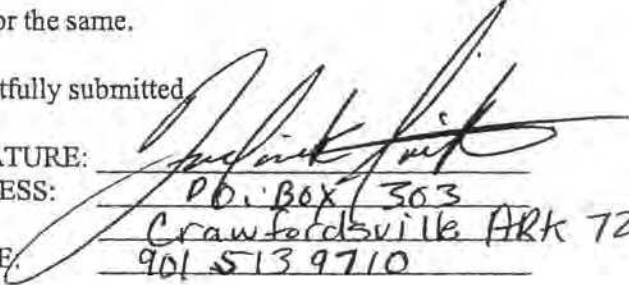
3. That Plaintiff's income barely suffices to meet the costs of life's daily essentials and includes no allotment that could be budgeted to pay for court fees and costs incident to this proceeding.

4. That Plaintiff has no other income in addition to that described in his/her Affidavit and no means of paying such costs without being reduced to total impoverishment.

6. That Plaintiff believes that he/she is entitled to the relief requested in the accompanying LAW SUIT and that such action is not brought for a frivolous or malicious purpose.

WHEREFORE, Plaintiff prays that the court enter an order allowing the Plaintiff to prosecute this action *In Forma Pauperis* and that the Plaintiff may have the necessary writs and processes without payment of fees or costs for the same.

Respectfully submitted,

SIGNATURE: 
ADDRESS: PO. Box 303
Crawfordsville ARK 72327
PHONE: 901 513 9710

In Forma Pauperis Affidavit
[see Rule 72, Rules of Civil Procedure]

IN THE DISTRICT COURT U.S. COURT., ARKANSAS

IN RE PETITION OF Fred Smith
TO PROCEED IN FORMA PAUPERIS

NO.

AFFIDAVIT IN SUPPORT OF
REQUEST TO PROCEED IN FORMA PAUPERIS

I, Fred Smith, being first duly sworn, depose and say that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? Yes No

(a) If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.

(b) If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

(a) Business, profession or any form of self-employment?

Yes No

(b) Rent payments, interest or dividends?

Yes ___ No ___

(c) Pensions, annuities or life insurance payments?

Yes ___ No ___

(d) Gifts or inheritances?

Yes ___ No ___

(e) Any other sources?

Yes ___ No ___

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in a checking or savings account?

Yes ___ No

If the answer is yes, state the total amount in each account.

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ___ No

If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

Wife working Supporting the family.
Gabriel 5 Tasha wife
Fred Jr. 11 Fred Sr. Petitioner

[6. TO BE COMPLETED ONLY IF PETITIONER IS INCARCERATED IN THE ARKANSAS DEPARTMENT OF CORRECTION OR ANY OTHER PENAL INSTITUTION.

Do you have any funds in the inmate welfare funds?

Yes ___ No

If the answer is yes, state the total amount in such account and have the certificate found below completed by the authorized officer of the institution.]

I understand that false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

[Handwritten signature]

Signature of Petitioner

STATE OF ARKANSAS

COUNTY OF CRITTENDEN

Petitioner, Fred Smith being first duly sworn under oath, presents that he/she has read and subscribed to the above and states that the information therein is true and correct.

SUBSCRIBED AND SWORN to before me this 18 day of January, 2018.

[Handwritten signature: Paula S. Adams]

Notary Public



My commission expires:

[(To be completed by authorized officer of penal institution)]

CERTIFICATE

I hereby certify that the petitioner herein, Fred Smith, has the sum of \$ 0 on account to his/her credit at the N/A institution where he/she is confined.

I further certify that petitioner likewise has the following securities to his/her credit according to the records of said institution:

NONE

Authorized Officer of Institution]

**DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF ARKANSAS**

Frederick Smith

Vs.

US Department of Education 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
BRIAN BEERS SPECIAL AGENT 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
PHILLIP CARTER Former City Council 205 S. Redding St. West Memphis, AR 72301

48 ***** 48

DECLARATION

OF

Exempt Filing Fee Status

48 ***** 48

The Citizen of the United States Government, *not* United States of America, does make this Declaration that the "Citizen" of the said district are exempt from cost, filing fees and charges imposed by any courts, boards of law pursuant to and according to:

- 1 Constitution of the United States Article 4, sec. 2
- 2 **Hague Convention,**
- 3 **State Department of the United States**
"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."
- 4 7th Amendment
"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ..."

Right: Political Right...the right of petition. Blacks 3rd Ed. P. 524; *Winnet v. Adam*, 71 Neb. 817, 99 N. W. 681: see Black's Law Dictionary 7th Ed. Pg.1487-1488:

- 5 1st Amendment Constitution of the United States:
"...the right of the people...to Petition the Government for a redress of grievances".

Petition: A formal written application to a court requesting judicial action on a certain matter. A recital of facts which gives rise to a cause of action"

- 6 Title 8 USC 1503 (a):
"If any person who is within the United States claims a RIGHT or PRIVILEGE as a National of the United States – 8 USC 1101(a) (22), and is denied such right or privilege by any department or independent agency or official thereof, upon the grounds that he is not a national of the United States, such person may institute a

action under the provisions of section 2201 of titled 28, United States codes...against the head of such department of independent agency for a judgment declaring him to be a national of the United States..."

Privilege: "A particular and peculiar benefit or advantage enjoyed by a person, Company, or CLASS, beyond the Common advantage of other Citizens. An exceptional or extraordinary power or exemption. A peculiar right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others".

7 14th Amendment

"No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person protection of the law".

The term "Right" is nowhere defined as a filing fee, Payment, charge, burden or tax and is in violation of Constitution of the United States herein asserted. As a Foreign National Preamble-Posterity ...Citizen of the United States [whose ancestors additionally served in the Army and Navy of United States] I, claim, inter alia, the Right or Grand Fathering or Grandfather Clause.

As a "National of the United States" I have claimed the Right and Privilege so indicated in 8 USC 1503 (a), inter alia, here in named and when challenged by anyone in the department of the Clerk of court, action pursuant to 8 USC 1503(a) against the head of such department in accordance with 8 USC 2201 shall be initiated.

This 20 day of JANUARY 2018

Fred Smith

A large, stylized handwritten signature in black ink, appearing to read 'Fred Smith', is written over the printed name.

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

Frederick Smith

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

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

DEFENDANTS

**US Department of Education
Brian Beers Special Agent/PHILLIP Carter**

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

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)

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

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

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 559 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Theft of property, Illegal Entering/Trafficking across State line
 Brief description of cause:
Search and seize without Warrant/violated Color Law

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

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

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 18 2018

JAMES W. MCCORMACK, CLERK
By *John Acary*

DISTRICT COURT OF THE UNITED STATES
EASTERN DIVISION OF ARKANSAS
JONESBORO DIVISION
Case:

Frederick Smith
Vs.

US Department of Education 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
BRIAN BEERS SPECIAL AGENT 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201
PHILLIP CARTER Former City Council 205 S. Redding St. West Memphis, AR 72301

MOTION
CLERK OF COURT
TO
INITIATE SERVICE OF PROCESS

COMES NOW; Petitioner to complain and motion the clerk of court the following:

SERVICE OF PROCESS FRCP 4.1

Pursuant to Rules of court the petitioner herein moves the clerk of court to initiate the "Forma Pauperis" on the above case and serve defendants as required by the rules of court to comply with FRCP 4 and 4.1. The Clerk of the Court is directed to prepare summonses for the US Department of Education 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201 BRIAN BEERS SPECIAL AGENT 1999 BRYAN ST. HARWOOD CENTER SUITE 1440 Dallas, TX 75201 PHILLIP CARTER Former City Council 205 S. Redding St. West Memphis, AR 72301 United States Marshal is directed to serve the summons, complaint, and this order on the defendants, Plaintiff Fred Smith filed this case *pro se*, along with an application to proceed *in forma pauperis*.

This 3 day of March 2018.

Fred Smith
Fred Smith

UNITED STATES DISTRICT COURT

for the

Frederick Smith

Plaintiff(s)

v.

U.S Department of Education

Brian Beers, Special Agent

Phillip Carter Former City Council

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

U.S Department of Education 1999 Bryan ST. Harwood center Suite 1440 Dallas TX. 75201
Brian Beers, Special Agent, 1999 Bryan ST, Harwood center Suite 1440 Dallas TX. 75201
Phillip Carter, Former West Memphis city Council 205 S. Redding St West Memphis AR. 72301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk