

UNITED STATES' DISTRICT
SOUTHERN DISTRICT OF CALIFORNIA

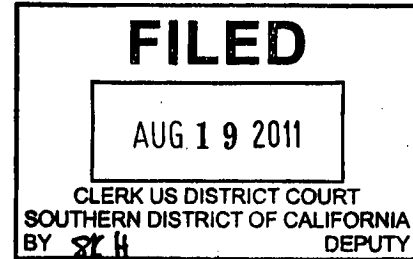
11 CV 1889 JAH WVG

CIVIL DOCKET NUMBER:

CHUKWUMA E AZUBUKO

V

WESTLAW



COMPLAINT

INTRODUCTION

The proceedings centered on defamation or libel – written, broadcast or otherwise published words.

The Defendant's publication about a lawsuit the Plaintiff filed, which associated with falsified vehicular citation at the United States' District Court – District of Connecticut – was provided to the Plaintiff thus computers' print out dated 11/30/2009. [Exhibit 1] The complaint to the lawsuit should be tendered too! [Exhibit 2] Meticulous comparison with the two exhibits would establish the falsity of the publication not on the balance of probabilities, but beyond any reasonable doubt. The Plaintiff aimed not at "... abused the federal courts' process and improperly filed an action outside the District of Massachusetts despite the complete lack of any connection between the allegations or the parties to the place of filing, nor is it the first time Azubuko has abused the resources of the federal judiciary with frivolous filings." Evidently, the Plaintiff acted not ignorantly. [Article III Section 2; Fifth Amendment – Due Process Clause -; 28 USC Sections 1331, 1357, 1367 and 2505] The condemned measures the Plaintiff embarked upon were superlatively lawful. Of course, what the Defendant would not understand and she would condemned. The Plaintiff engaged on what would be expected of a reasonable and prudent person similarly situated with the Plaintiff, thus exercising his First Amendment rights outside Massachusetts central to earned mistrust of the Massachusetts' District Court. To the court in question, the Plaintiff had no protectable rights, but condemnation to slavery. The Plaintiff submitted a presentment to the Defendant or expressed intent to commence proceedings against the Defendant and got no co-operation from her. [Exhibit 3] The publication succinctly culminated into the invasion of the Plaintiff's privacy and the scope of the libelous writing spoke

for itself. If the Defendant called it fact and that had been actionable. The Defendant could call the publication an opinion, but the United States' Supreme Court under the First Amendment recognized not an opinion privilege. The lawsuit was resoundingly justifiable on the bases of "Statement of fact" and "Mixed statement of opinion and fact. Given that the publication was not technically false, but remained misleading; it underscored tort of false light. The Plaintiff knew not the rationales for the Defendant to be the Plaintiff's *famacide* or *defamer*. The publication by all intents and purposes qualified for *famosus libellus*, which meant in Latin a *libelous writing*. From Exhibit 1, the publication aimed at bringing the Plaintiff to disrepute and *actio injurarum* attached. In most cases, truth provided no protection or defense to libel or on that the truth of the publication justified not the public and insulting manner of the publication. The publication was malicious; it bore neutrality desideratum. [*Noonan v. Staples, Inc.*, 1st Cir. No. 07-2159] The Defendant enjoyed no absolute and parliamentary privileges. Of course, qualified privilege provided no immunity for statements that could be proven to have been made with "malicious intent."

The publication markedly deviated from good faith and reasonable belief of truthfulness and opinion, innocent dissemination: it associated not with consent, fair comment on a matter of public interest; it could not be reasoned that the Claimant/Plaintiff was incapable of "libel-proof" – further defamation and no actual injury. The Defendant could not rationalize her conduct vis-à-vis "No Third-party communications." The Defendant had no recourse to *public figure doctrine* – also known as *absence of malice rule*. It was publicized with the mindset of actual malice and it was justifiable central to: (1) published information; (2) the Plaintiff was in/directly identified; (3) remarks were defamatory towards the Plaintiff's reputation; (4) there existed falsify published information and (5) the Defendant was at fault. It would be advantageous to note very well that the Defendant's conduct contravened Article 17 of the United Nations' International Covenant on Civil and Political Rights. *Defamation per se* to a significant extent provided the Defendant with no immunity. The scabrous publication lent itself to "Conspiracy against rights," "Deprivation of rights under color of law," knowingly deprivation of "Federally protected activities," "aiding and abetting "Fraud and swindles," amongst others. [18 USC Section 241, 242, 245, 1341, ...]

PARTIES

The Plaintiff had resided in Boston, Massachusetts for upwards of 25-year. The Plaintiff last hired employment was with the Boston's Public Schools as a [substitute] teacher – 1995/96. After that, the Plaintiff was self-employed – transportation; that came to an end in July 2010 central to unconstitutional and criminal revocation of the Plaintiff's Massachusetts' Class D license. The Plaintiff was expected to undergo road safety training, but the Plaintiff rejected the option. Her officials bastardized or knowingly distorted the Plaintiff's so-called defective driving records. The Plaintiff's mailing address was as shown below. The Defendant was a legal reporter and with the name as shown *supra*. The Defendant had one of her offices located at 195 Broadway, 4th Floor, New York, N. Y. 10007.

JURISDICTION

The Court had *in personam* and subject matter jurisdiction constitutionally, statutorily and procedurally. [First Amendment; Fifth Amendment; Eight Amendment; Article III Section 2; 18 U.S.C. Sections 241, 242 and 245; 42 U.S.C. Section 1331 and 1367; Fed. R. Civ. P. 4 (e), ...] These would be the bases for the head.

01) DEFAMATION ON EXERCISE OF CONSTITUTIONAL RIGHTS

The Defendant was never objective in the publication, which culminated into the proceedings. As Exhibit 1 proved, the lawsuit flew from a falsified and criminal Boston's Police Officer Antonio Dimaggio vehicular/moving citation. In essence, the Plaintiff never had an encounter with him; the Plaintiff was cited and scheduled for a hearing at Massachusetts' Roxbury District Court. The Plaintiff went like a lamb and lost initially; the Plaintiff appealed and won on technicality – absence of Boston's Police Officer Dimaggio - from the hearing out of shame and criminality. A Deputy Clerk-Magistrate – Edward Amos - enter "R" for responsible on the hearing slip. The Plaintiff returned to the court on Massachusetts' Registry of Motor Vehicles contact of the Plaintiff for payment; it was allegedly rectified, but the Registry was never notified. That led to suspension of the Plaintiff's car registration cancellation. The Plaintiff was cited for that and his car was towed on August 25th – 2008. The Plaintiff requested a hearing for the citation and strove to explain to the Clerk-Magistrate of Massachusetts' Dorchester District Court and Boston's Police Prosecutor Dunboy what transpired, but they opted to being bottomlessly insensitive and boyish; they really had bananas in their ears. They conspicuously manifested attention deficit disorder over the heart-rending and exploitative saga. Without

digressing, nobody would know anything about the false citation from the publication. The Defendant concealed it knowingly, because she considered it to be *Acta sanctorum* or “Deeds of the saints.” The Defendant arrogated being a monopolist to critical and creative thinkings to herself. The Defendant considered the obvious criminal negligence or inclinations to be predestined. A few excerpts on constitutional rights read:

“There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights.” [*Sherar v. Cullen*, 481 F.2d 946 (1973)]

“The claim and exercise of a Constitutional right cannot be converted into a crime” ... “a denial of them would be a denial of due process of law.” [*Simmons v. United States*, 390 U.S. 377 (1968)]

“Where rights secured by the Constitution are involved, there can be no ‘rule making’ or legislation which would abrogate them.” [*Miranda v. Arizona*, 384 U.S. 426, 491, 86 S. Ct. 1603]

02) EXPLICIT “TRESPASSER OF THE LAW”

Central to the publication, the Defendant’s condescension or negligence squarely matched with the sub-head. An excerpt from it read thus:

“Under Federal law which is applicable to all states, the United States’ Supreme Court stated that if a court is “without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers.” [*Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)]

03) UNUSUAL CRUELTY – EIGHT AMENDMENT

The publication would not be dissociated from the sub-head. The Defendant was touchably insensitive and callous vis-à-vis Exhibit 1. Indeed, “Truth breeds hatred.”

04) NON-APPLICABILITY OF QUALIFIED IMMUNITY

That did not exist in view of the deliberate indifference, falsity, *et cetera*, which associated with the publication. From the case of *Hope v. Pelzer* (01-309) 536 U.S. 730 (2002) an excerpt read, thus:

“Qualified immunity protects all, but the plainly incompetent or those who knowingly violate the law. *Malley v. Briggs*, 475 U.S. 335, 341 (1986). If it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted, then qualified immunity does not apply...”

05) PUBLICATION AND NEGLIGENCE

Only an unreasonable person would not associate the publication with the sub-head or *corruption of public morale* against the Plaintiff. It typified courts' official incitement against the Plaintiff for exercising resoundingly justifiable constitutional rights. The publication portrayed the author's ignorance of the law beyond measure. Studying English or journalism meant not studying law. The author's conduct was mountainously vacuous, preposterous and condemnable. Nonetheless, the Plaintiff would define negligence. [Harper, James and Gray, "The Law of Torts, Second Edition, Volume 3 Section 16.1] It would also be in conformity with the Restatement of Torts and it went thus:

"Negligence is a "conduct which falls below the standard established by law for protection of others against unreasonable risk of harm. Negligence resulted from ignorance, stupidity, bad judgment, timidity or forgetfulness. It resulted from deficiencies in knowledge, memory, observation, imagination, foresight, intelligence, judgment, quickness of reaction, deliberation, coolness, determination, courage. Constitution of negligence must reflect "voluntary" conduct – conscious manifestation of the actor's will."

06) INTENTIONAL AND NEGLIGENT INFLICTION OF EMOTION DISTRESS

The publication associated with the sub-heads. However, the Plaintiff would only provide the definition of intentional infliction of emotion distress (IIED), thus:

"Intentional infliction of emotional distress (IIED) is a tort claim of recent origin for intentional conduct that results in extreme emotional distress. Some courts and commentators have substituted *mental* for *emotional*, but the tort is the same. Some jurisdictions refer to IIED as the **tort of outrage**." [Wikipedia]

07) CORRUPTION OF PUBLIC MORALE OR HATE CRIME PREVENTION ACT [18 USC SECTION 249]

To equate the Defendant's negligent and false writing with the sub-head would not be irresponsible. The Defendant's diction certainly reflected upon incitement also known as *encouraging or assisting crime*. [Part Two of Serious Crime Act] The publication had no bearings on 1st Amendment restraining federal and state governments regulating content of speech. Glory, defamation and incitement were exempted. The Defendant exhorted hatred against the Plaintiff and needed to study anti-harassment codes covering discriminatory speech. Succinctly, the publication represented hate speech.

08) CONSPIRACY AGAINST RIGHTS [18 USC SECTION 241]

The Plaintiff would not like to doctor the objective of the sub-head. Its excerpts read:

“This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).”

“It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured.”

“Punishment varies from a fine or imprisonment of up to ten years, or both; and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years, or for life, or may be sentenced to death.”

09) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW [18 USC SECTION 242]

On its part, its shortened excerpts read:

“This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S. This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race.”

“Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs.”

10) FEDERALLY PROTECTED ACTIVITIES [18 USC SECTION 245]

The Plaintiff would not particularize on that either; its excerpts read:

"1) This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as:

- a) A voter, or person qualifying to vote...;
- b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States;
- c) an applicant for federal employment or an employee by the federal government;
- d) a juror or prospective juror in federal court; and
- e) a participant in any program or activity receiving Federal financial assistance.

2) Prohibits willful injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as:

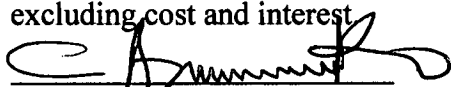
- a) A student or applicant for admission to any public school or public College;
- b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government; .."

RELIEF SOUGHT - RETRACTION

The Plaintiff would like the Defendant to publish on The Boston's Sunday Globe and The Boston's Sunday Herald twice in a week and manifested remorse for its negligence. The sequence would be on a Friday and a Sunday. The two-day publication would start from front pages. More, two-week publication would be on Massachusetts' Lawyers Weekly. The Defendant had to show touchable remorse for her ignorant and unjustifiable disparaging publication. The heading would be thus: Retraction of Defamation of Mr. Chukwuma E. Azubuko.

DAMAGES – COMPENSATORY AND PUNITIVE

The Plaintiff would demand compensatory and punitive damages in the amount of \$60.5m excluding cost and interest


CHUKWUMA E AZUBUKO
P O Box 171121
Boston – MA 02117-171121
Telephone: (617) 265 6291

Dated: Tuesday – July 13th – 2010: Modified on Tuesday – August 16th - 2011

CIVIL COVER SHEET

11 CV 1889 JAH WVG

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings and the procedures required by law, as provided by the 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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS AZUBUKO, CHUKWUMA E.

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
PO Box 17121 Boston - MA 02117 (617) 265 6291

DEFENDANTS WEST LAW

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

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 checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input checked="" type="checkbox"/> 5	<input checked="" 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 (Excl. 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 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	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" 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 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 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 PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <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 <input type="checkbox"/> 872 Freedom of Information Act <input type="checkbox"/> 873 Environmental Matters <input type="checkbox"/> 874 Energy Allocation Act <input type="checkbox"/> 875 Freedom of Information Act <input type="checkbox"/> 890 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of Statutes	<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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of Statutes

FILED
AUG 19 2011
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY xxh DEPUTY

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

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 18 USC Sections 241, 242 and 245

Brief description of cause: The Defendant defamed the Plaintiff for exercising constitutional rights - Sec. 245

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 60.5M

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE N/A DOCKET NUMBER N/A

DATE 08-16-11 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

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