

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

Allan Douglas Wilson

Plaintiff(s)

v.

U.S. Department of State

Defendant(s)

Civil Action No. 23-CV-216-CJN

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) U.S. Department of State c/o Office of International Judicial Assistance
U.S. Department of Justice
Benjamin Franklin Station
P.O. Box 14360
Washington, D.C. 20044
United States of America

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:

Allan Wilson c/o Samedayprocess.com
1413 K Street N.W 7th Floor
Washington, DC 20005
info@samedayprocess.com

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.

Date: 02/16/2023



ANGELA D. CAESAR, CLERK OF COURT

/s/ Erica Duncan
Signature of Clerk or Deputy Clerk

Civil Action No. 23-CV-216-CJN

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the
District of Columbia

Division

Allan Douglas Wilson

Case: 1:23-cv-00216
Assigned To : Nichols, Carl J.
Assign. Date : 1/23/2023
Description: Pro Se Gen. Civ. (F-DECK)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

U.S. Department of State , U.S. Embassy Philippines

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Allan Douglas Wilson
Street Address	74 General Maxilom Ave Tower 2 45Q
City and County	Cebu City , Philippines
State and Zip Code	Cebu , 6000
Telephone Number	+63 32 262 5268
E-mail Address	wilson.allan.d@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name	U.S. Embassy, Philippines
Job or Title <i>(if known)</i>	Consular Officer
Street Address	1201 Roxas Blvd, Ermita, Manila, 1000 Metro Manila
City and County	Metro Manila , Philippines
State and Zip Code	Ermita , Manila , 1000
Telephone Number	+63 2 5301 2000
E-mail Address <i>(if known)</i>	ACSInfoManila@state.gov

Defendant No. 2

Name	_____
Job or Title <i>(if known)</i>	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address <i>(if known)</i>	_____

Defendant No. 3

Name	_____
Job or Title <i>(if known)</i>	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address <i>(if known)</i>	_____

Defendant No. 4

Name	_____
Job or Title <i>(if known)</i>	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address <i>(if known)</i>	_____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

See attached Part A & Part C

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* Allan Wilson, is a citizen of the State of *(name)* Canada and U.S.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____ and has its principal place of business in the State of *(name)* _____.

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

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

b. If the defendant is a corporation

The defendant, *(name)* U.S. Embassy , Department of State , is incorporated under the laws of the State of *(name)* the United States of America , and has its principal place of business in the State of *(name)* District of Columbia .
Or is incorporated under the laws of *(foreign nation)* _____
and has its principal place of business in *(name)* _____

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

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Applicant was denied recognition of U.S. citizenship and by extension constitutional rights. The monetary value of these rights cannot be assessed.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

- 1-U.S. Consular Agency Cebu, Waterfront Hotel, Cebu City
- 2-U.S. Embassy, Manila, Roxas boulevard
- 3-Consular Officer call to plaintiff's residence in Cebu City, Philippines

B. What date and approximate time did the events giving rise to your claim(s) occur?

- 1-Thursdays, September 16, 2021 at 09:50 A.M.
- 2-Monday, October 17, 2022 at 8:45 A.M.
- 3-Interviewing Officer called plaintiff's residence Wednesday, November 9, 2022 at 11:00 A.M.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See attached Part C and following exhibits:

- 1- Ministerial correspondence
 - 2- Medical Record
 - 3- Declaration
-

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Plaintiff believes that over a 22-year period he has been a target of Section 702 Foreign Intelligence Surveillance Act active surveillance, and that as a recognized U.S. citizen he would be exempt from such surveillance in the future. It is believed that effects of past active surveillance have resulted in physical harm, damaged social relations, and limited employment prospects. Methods of targeting are purported to have employed communications technologies purposed as directional weapons targeting foreign individuals.

By not recognizing plaintiff's status as a natural born citizen, the U.S. Embassy , Department of State is denying all constitutional rights otherwise afforded, rendering invalid employment applications in the U.S. and potentially subjecting the plaintiff to further surveillance targeting. For this reason the demanded injunction is urgent. It has been established that the monetary value of constitutional rights is immeasurable.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff believes that because the monetary value of constitutional rights is immeasurable, and considering the material consequences of the denial of these rights, an example must be set to discourage such acts.

Compensation for legal fees is requested amounting to \$402.

Plaintiff is requesting an injunction to issue passport document as proof of U.S. citizenship considering evidence proving legitimacy already submitted to the U.S. Embassy Manila.


VL Certification and Closing

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

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/23/2022

Signature of Plaintiff 
Printed Name of Plaintiff Allan Douglas Wilson

B. For Attorneys

Date of signing: _____

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Street Address _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____

Complaint form attachments Parts A & C A. If the Basis for Jurisdiction Is a Federal Question List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. 1-"Natural-Born Citizen Clause" Section 1 of Article 2 of the United States Constitution 2-Chapter 3 - U.S. Citizens at Birth (INA 301 and 309) & 8 U.S.C. § 1101 § 1401 3-22 U.S.C.Title 22 - FOREIGN RELATIONS AND INTERCOURSE, CHAPTER 23 4-Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law 5-Section 702 Foreign Intelligence Surveillance Act active surveillance C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) IV. Irreparable 9/16/2021, Plaintiff applied for adult derivative citizen U.S. passport at U.S. Consulate Cebu City with interviewing officer, submitted proofs and received email from U.S. Embassy Manila requesting further proofs / information. Plaintiff was unable to provide requested information within requested time period (90 days) and application was refused. Plaintiff verified that a new application would be required. 10/17/2022, Plaintiff applied for adult derivative citizen U.S. passport at U.S. Embassy Manila with interviewing officer, was informed that this would be a continuation of prior year's application, submitted proofs and supplementary narrative including documents proving birth parents' common law married status at time of plaintiff's birth, was given checklist of further proofs required, informed that legal counsel would be consulted to verify if submitted proofs were sufficient, to follow up with plaintiff. 11/09/2022, Plaintiff received call from same interviewing officer refusing application, citing that court document and supporting affidavit submitted do not constitute proof of legitimation. No legal references were given for the refusal. Officer told plaintiff that a statement under oath was required from his father pledging support until age 18. Plaintiff stated that this document was not possible to obtain, that he was unclear of the requirements and would seek independent legal opinion. 11/22/2022, Plaintiff resigned employment due to health issues and perceived unreasonable demands from U.S. employer. Seeking meaningful work at time of complaint. 12/15/2022, Email sent by plaintiff to U.S. Embassy Manila requesting written explanation for denial. No response received.

DECEMBER 23, 2022

Allen Min

JS 44 (Rev. 04/21)

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

Allan Douglas Wilson

(b) County of Residence of First Listed Plaintiff **99999**

(EXCEPT IN U.S. PLAINTIFF CASES)

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

DEFENDANTS

U.S. Embassy Manila / Department of State

Case: 1:23-cv-00216

Assigned To : Nichols, Carl J.

Assign. Date : 1/23/2023

Description: Pro Se Gen. Civ. (F-DECK)

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
- 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)

Click here for: [Nature of Suit Code Descriptions](#)

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	<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 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 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"/> 376 Qui Tam (31 USC 3729(a)) <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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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 checked="" 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"/> 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"/> 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 - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 Chapter 3 - U.S. Citizens at Birth (INA 301 and 309) & 8 U.S.C. § 1101 § 1401

Brief description of cause:

Denied rights of citizenship and U.S. passport with no legal basis contrary to all evidence provided by the plaintiff as a natural born U.S. citizen

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
402

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

DECEMBER 23, 2022

SIGNATURE OF ATTORNEY OF RECORD

Allan Wilson

FOR OFFICE USE ONLY

RECEIVED

AMOUNT

APPLICABLE

DATE

MAG. NO.

A. Wilson

wilson.allan.d@gmail.com

The Honourable Anita Anand, Minister of National Defence

Fax# 1-613-995-8189

The Honourable Marco Mendicino, Minister of Public Safety

Fax# 1-416-781-5586

February 20, 2022

I am writing to you regarding certain shortcomings perceived in the defence of Canadian citizens at home and abroad.

The nature of these shortcomings is related to a threat which continues to exist to this day. This threat may be divided into smaller elements on the ground and those in earth orbit. This threat is not visible as it uses radio waves however its adverse health effects may be seen in targeted individuals.

I have personally experienced these effects despite not having any underlying medical condition and I have noticed the same effects in others throughout my years in Canada.

The frequencies involved are in the microwave range which use signals directed in line-of-sight applications. The frequency range is already used in household wifi routers and other devices, and when used for microwave imaging from a satellite footprint or a directed signal on the ground, they are capable of imaging areas inside of buildings and their occupants. Police and security forces have been using this technology for years and it is widely known. Imaging may be used to obtain GPS coordinates which in turn can be targeted with pulsed microwave to create physiological effect. Low hertz frequencies may also be modulated with microwaves, and when directed at an individual can affect thought processes in the human brain including thought-level interaction and communication.

Thought-level intelligence gathering and data collection may not be considered actionable. Thoughts that are not yet articulated are for the individual to act on and for another force to act on the same thoughts it becomes a preemptive dishonesty and harmful to the subject. This is considering that the perception works both ways when the same thoughts are heard at low decibel when repeated by other parties, disrupting normal thought processes and contributing to the effect of psychosis.

The legal implications of this application are multitude, and the resulting abuses can be regarded as assault, stalking / harassment, torture, and human rights violations including freedom of thought.

Although there is little possible defence from directed signals from earth orbit, there are 4 countries and their allies that control this sector: India, China, USA, and Russia; and there are a few possible options that these countries may exercise to defend against such abuses:

- 1 - Removing suspect satellites from earth orbit
- 2 - Technological monitoring by an international body such as the United Nations with future satellite device modifications-this would not apply to legacy satellites already in service.
- 3 - International covenants prohibiting dual use communications and directed energy weapons used against civilians.

Any transition from the accepted use of these technologies is not expected to happen in the short term, however measures to prevent future abuses would be of great benefit to society. The negative consequences of phasing out these programs are an end to the ability to gather intelligence from dubious sources, and an end to earth-orbit frequency assault on civilians with capabilities to disrupt targeted equipment and communications.

Over the last 22 years It is believed that I have been subject to these abuses from both local sources on the ground and the threat in the sky. Anecdotally it is also believed that the reason for this targeting was suspicion of a crime directed by elements in police and defence departments. From a few instances and continuous surveillance following an initial incident in the year 2000, the frequency assault increased in 2009 which I perceived was a reaction in part to alleged Department abuses observed in my civilian post in an agency support position at the time. These abuses amounted to a legal case against the Crown involving Intelligence elements and I began to hear low-decibel death threats during my activities surrounding my brief exposure to this file. Further details of this may be communicated if there is some guarantee of amnesty from consequences under the Official Secrets Act.

Canada is presumably privy to the remote technologies identified as an ally of the US, which has the greatest potential footprint control. For Canada and its allies to be involved in any such program used to target civilians is considered contradictory to the purpose of defence. This is the nature of my claim against the Department.

The following is my request for compensation with references:

Defence spending per capital Canada 2021: \$612 USD [statista.com (Defense expenditures of NATO countries per capita 2021)]

22 years x \$612 USD = \$13,464 USD

2001 Canadian Forces deployed - 2014 left Afghanistan [warmuseum.ca(Canada and the War in Afghanistan)]

Considering that Canadian Forces were deployed internationally and were unable to defend against the outlined threat within its own borders, 50% is considered reasonable per capita spending for the 14 war-time years in Afghanistan. During peace time, or the remaining 8 years, I would ask for a refund of 100% minus the following proposed deduction: Defence may have protected against a greater threat and spending may be regarding as an insurance policy in this sense. If

'defence insurance' would not be more than average life insurance premiums, a maximum of \$324 USD per household annually can be deducted from the total. [nerdwallet.com(Average Life insurance Rates for 2022)]

Total calculation as follows based on the 2021 per capita defence spending figure:

\$4,284 USD wartime spending including 50% domestic shortcoming deduction + \$4,896 USD peacetime refund = \$9,180 USD - \$7,128 USD 'defence insurance' = \$2,052 USD / \$2,617.63 CAD at time of writing.

Your timely reply regarding my concern and associated request will be greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Wilson".

A. Wilson



Canadian Security
Intelligence Service

Service canadien du
renseignement de sécurité

P.O. Box 9732
Postal Station "T"
Ottawa, Ontario
K1G 4G4

C.P. 9732
Succursale "T"
Ottawa (Ontario)
K1G 4G4



FEV 25 2022

wilson.allan.d@gmail.com

Dear Mr. Wilson:

This is in response to your correspondence letter dated February 20, 2022 in which you write the Canadian Security Intelligence Service (CSIS). I am responding on behalf of the Honourable Marco Mendicino, Minister of Public Safety, responsible for the Canadian Security Intelligence Service (CSIS).

The mandate of CSIS, under section 12 of the *CSIS Act*, is to investigate and advise the Government of Canada on threats to national security. For the purpose of fulfilling this mandate, threats to the security of Canada are defined in section 2 of the Act and are limited to terrorism, espionage, sabotage, and foreign interference.

The circumstances you describe have been carefully reviewed and the appropriate internal inquiries have been made. We can assure you that CSIS is neither responsible for, nor involved in, the circumstances you describe.

Certainly, any concern for your safety should be directed to local police without delay. We trust the foregoing has been of some assistance.

Sincerely,

Public Correspondence Unit
Canadian Security Intelligence Service

I certify that this is the original and it has not been altered in any way.
This corporate document has been prepared, digitized and inspected by.

.....

J'atteste que ce document officiel est l'original et qu'aucune modification
n'y a été apportée.

Ce document officiel a été préparé, numérisé et inspecté par :

8553

Employee Number

Numéro d'employé

FEB 25 /22

Actual Scanning Date

Date réelle de numérisation

Use this section if you are required to redact information from the original hardcopy document.

By checking the box, I certify that I've redacted the document prior to digitization in order to remove content not authorized by the relevant warrant.

Utilise cette section s'il vous est requis de caviarder certaines informations de votre document papier original.

En cochant la case, j'atteste que j'ai caviardé le document avant la numérisation afin de supprimer le contenu non autorisé par le mandat approprié.

A. Wilson

wilson.allan.d@gmail.com

The Honourable Anita Anand, Minister of National Defence Fax# 1-613-995-8189

June 18, 2022

I have received no response following my correspondence to your office in February this year. Over time, continued silence allows the vacuum to be filled with the most plausible although undesirable explanation.

Unless foreign adversaries have infiltrated Western society to the point that they are indistinguishable from authorities while at the same time possessing local knowledge, Western militaries, a category in which domestic forces are not exempt, are the only organizations with the resources and capabilities involved in certain observed abuses.

I have been unduly subjected to these abuses throughout a period of over 20 years. Following is a timeline of details relevant to my ongoing grievance:

1985: Technologies were deployed by Western governments capable of utilizing weaponized satellite-to-ground communications. Low-decibel voice communications observed on the ground are consistent with low power and modulated high frequency capabilities of these communications.

Dec '88: My mother had exhibited manifestations of low-decibel voices and harassment. She went missing and her death was ruled a suicide. She had no underlying health condition. Similar effects experienced by my estranged father were also noted.

Jun '00: After a series of incidents involving active electronic surveillance and harassment that led to self-injury and hospitalization in 2000, I was interrogated under hospital care with unknown individuals present claiming to be family and referring to my deceased mother.

Jan '09: While in my living quarters I heard details of a government exam that I had recently written for a Canadian national security agency. This was clearly audible and consistent in character with prior attacks.

Sep '09: Words used in a police report from an incident involving myself were identical to my own utterances under emergency hospital care in the year 2000. This information would not have been used or retained without agency of mind. There was intent to deceive with other elements

of the report being fabricated while omitting the fact that my rights were read and other circumstances.

2009-2015: Multiple hospitalizations resulted from the same observed effects from low-decibel voice harassment and mind exposure leading to acute insomnia. High doses of psychiatric medication were involuntarily administered, and significant amounts of time and productivity were lost with long periods of isolation irreversibly damaged social relations. I have had and continue to have no underlying health condition since the onset of observable effects.

The overall implications are that local police were involved with domestic national security and other unknown individuals and entities in gathering and using information against myself while employing weaponry to injure and deceive with intent to cause grave personal harm or to kill.

Methods used include geolocation and visual targeting. Due to the digital nature of the directed signals this falls under the category of cyber warfare. Active denial systems are widely known to have been in use by militaries, and the existence of the same type of system used from longer range in earth orbit under the guise of communications is not acknowledged or publicly known.

Applying this technology to targeting civilians has important legal and ethical considerations that appear as more of an afterthought following the out-of-control abuses of power brought about by the zeal of novel weaponry, a confluence of already existing technologies from the post-world war period.

Civilian intelligence has denied any involvement in such acts while domestic military intelligence is not willing or not able to do the same, possibly because although they are funded by taxpayers, they do not consider themselves accountable to them. As a Canadian taxpayer, I would like to think that is where your office comes into the picture. Either the agencies involved are less than competent or wholly ineffectual in defending Canadians, or there is a concerted campaign perpetrated by the same that is directed against civilians.

There are several domestic security, defence, and research departments and agencies that may have contributed to developing and deploying the capabilities involved. Success of such a program is only practical with the cooperation of allies which is also evident in cross-border application, particularly those allies dominant in space-based deployments. There are several reasons to curtail mandates and trim budgets in this direction from a taxpayer perspective. One is the emergence of private investment in satellite communications, potentially taking up a large area of available space in orbit and rendering dubious government efforts obsolete. Among the risks are collisions in space of an accidental nature or otherwise, creating tens of thousands of pieces of debris which travel at bullet speed potentially creating a cascading effect. This is more of a threat in low earth orbit where most satellites are located. This level of orbit is most desired because of the shorter range of high frequency communications to earth.

The race to deploy secretive space-to-earth radiofrequency weapons is perhaps an old story, however its threat to individuals and governments is an ever-present concern. It is an invisible threat like a virus or economic one. For this reason, among others, public knowledge of its existence is limited.

Other concerns are the moral and legal implications of publicly funded testing on humans, effectively directing radiofrequency energy to human tissue and organs to the point of failure, or the effects of prolonged radiofrequency-induced psychosis rendering a subject incapacitated.

Buried under the pretense of security, the clearance and knowledge to independently access any research or information in this area would be difficult if at all possible to obtain, and any records regarding this area of interest would presumably be encoded, utilizing high levels of encryption.

Personally, from the perspective of self-preservation, I have developed my own protocols from over 20 years of experience in response to this type of assault. Consequently, I have little regard for those who hand out such protocols to elitist security organizations while denying the same to people whose lives hang in the balance, the general population.

Please note that I have had no formal exposure to the aforementioned in my life or career, obtaining any knowledge or information from personal experience as one who has been subjected to these effects, and public sources only.

Eventually one must decide to speak up or let the abuses continue. If one can conscientiously say that they are not obliged to make such decisions, then it would be an enviable position. It is also possible that people have become so enamoured with the comforts in their lives to which they attach too great importance to risk the threat of reprisal. I have chosen to speak up, to defend my brothers and sisters no matter how errant in their ways, while our institutions have failed them.

There comes a time when it is too late for restitution in this life, and the bill will be collected by the forces beyond. That time is fast approaching and as surely as the sun sets in the West.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allen Wilson".

A. Wilson

ROYAL OTTAWA HOSPITAL .

PAGE: 1

UNIT #: 203438

NAME: WILSON, Allan

CONSULTATION

IDENTIFYING DATA:

Allan Wilson was referred by Dr. [REDACTED] and Dr. [REDACTED] of the Ottawa Hospital, General Campus. He is a 23-year-old male currently on Social Assistance, renting a room in a boarding home since August 7, 2001. At this point in time, he states that he is not working with a social worker or a case worker. His current interests include involvement in a new politics initiative involving the United Left as well as an independent media group for local news stories that are not within the mainstream.

REASON FOR CONSULTATION:

The request was made that Allan be considered for the [REDACTED] Program for follow-up.

HISTORY OF PRESENT ILLNESS:

The patient stated that he was functioning fairly well up until approximately one year ago. Over the course of approximately one week, possibly longer, he noticed that he became very preoccupied about having harmed a patient at the Health Clinic where he worked as a clerk. He stated that he felt that he had been working too hard and that he blamed himself because a patient at the clinic had died. He became very preoccupied with this and asked many questions to clinic staff. When they were unable to answer his questions, he felt that this was confirmation that he had indeed committed some horrible act of omission. He noticed that he was unable to sleep, eat and that he felt exceedingly guilty. There was evidence at the time that he was experiencing delusions of reference. He described feeling an overwhelming sense of dread and anxiousness and eventually decided that suicide was his only option. He described stabbing himself in the neck and abdomen, being found and brought to the Ottawa Hospital, General Campus site where he required surgery and ICU admission. He was treated for approximately one month in the hospital first on the Medical Ward and then he was followed by Dr. [REDACTED] on the Inpatient Unit. He was treated with [REDACTED] 20 mg per day as well as [REDACTED] 5 mg per day. At the time he described hearing voices of unknown content. He denied other perceptual abnormalities. There were no somatic grandiose or religious delusions. He stated that at the time his mood was depressed with poor self esteem and increased self criticism.

Following discharge from hospital, he attended Algonquin and finished a year taking an



ROYAL OTTAWA HOSPITAL

PAGE: 2

UNIT #: 203438

NAME: WILSON, Allan

archives technology course. He graduated in June 2001.

The patient stated that in July 2001 after having been off of medication for an unknown time period, he walked off a bridge into the canal. He indicated that he had no memory of this and could not recall his thinking prior to the incident. The referral from Dr. [REDACTED] indicates that he walked off the bridge to escape the voices. He states that he stopped medication approximately one month prior to this second admission to hospital. He also noted that he had extremely decreased concentration and attention as well as paranoid ideation that someone was out to kill him. He was followed at the Ottawa Hospital, General Campus site between July and August 2001. He has been subsequently discharged and is followed in the community by Dr. [REDACTED] as he has been over the past year. He has been given the diagnosis of [REDACTED]
[REDACTED]


Currently his mood and energy are described as ok. He states that he is sleeping approximately 12 hours per night of uninterrupted good quality sleep. His appetite is described as ok with no weight changes. He notes his attention and concentration to be much better now. He is able to read and concentrate on movies and television. He states that he enjoys sports particularly tennis and would like to become more active doing so. He denies current suicidal or homicidal thoughts. There is no present or past history consistent with mania. Currently he denies perceptual abnormalities or delusional content. There is no history of anxiety symptoms.

PAST MEDICAL HISTORY:

The patient sustained a fracture of the left elbow in his last fall resulting in open reduction and internal fixation. He currently has decreased strength and mobility in that elbow. He has scars on his neck and abdomen from his first suicide attempt however there are no lasting sequelae of this incident. There is a history of breaking a thumb in his teens during a ski accident. During this accident, he also sustained a head injury with a brief loss of consciousness. There is no history of seizures.

PAST PSYCHIATRIC HISTORY:

The patient is followed by Dr. [REDACTED] at the Ottawa Hospital, General Campus for the past year. His next appointment is on September 17, 2001. He was hospitalized at the Ottawa Hospital on two occasions between June and July 2000 and July and August of 2001 under the care of Drs. [REDACTED] respectively.



ROYAL OTTAWA HOSPITAL

PAGE: 4

UNIT #: 203438

NAME: WILSON, Allan

many friends. He states that he has never had a romantic relationship. His brother's name is [REDACTED] telephone number, [REDACTED]. He has contacted his brother and speaks with his stepfather on the phone several times a year.

The patient indicated that as a child, he received very little information about why his mother committed suicide and knows only that she jumped from a bridge and her body was found in the river. He indicated that as a child, he blamed himself for it as did his brother. He states that now, he harbours no such guilty feelings however his knowledge of the incident is still minimal.

MENTAL STATUS EXAMINATION:

Allan Wilson is a 23-year-old male who presented looking slightly older than his stated age. There was evidence of scarring to his neck area and he spoke in a formalized manner. His eye contact was good and his speech was fluent. His mood was described as ok and his affect showed decreased range. His thought form was within normal limits. His thought content was negative for paranoid, somatic, grandiose or religious delusions. There was no evidence of auditory or other perceptual abnormalities. There was no suicidal or homicidal ideation. There were no delusions of reference. His insight and judgment was good. He indicated that he understood he had an illness the diagnosis of which was depression with psychotic features. He indicated that he planned to continue taking his medication and was interested in follow-up at the clinic.

IMPRESSION AND PLAN:

Allan Wilson is a 23-year-old male who presents with a one year history of a major depressive episode with paranoid and guilty delusions resulting in a significant suicide attempt. This was followed approximately one year later by a second significant incident of self harm potentially caused by the attempt to escape from auditory hallucinations. This followed a period of non-compliance with medication. Allan presents with a decreased affect and somewhat concrete thinking pattern. His inter-episode ability to finish course work at Algonquin speaks to a fairly high level of functioning when not psychotic. This would support the diagnosis of depression with psychotic features. However, given his decreased range of affect and his confusion with respect to his second suicide attempt would lead one to wonder whether this represents [REDACTED]. Allan will be offered a place in the [REDACTED] Program. For now, it was suggested that he continue on [REDACTED] 20 mg per day and [REDACTED] 7.5 mg po qhs. He will be seen in clinic in three weeks time.

ROYAL OTTAWA HOSPITAL

PAGE: 5

UNIT #: 203438

NAME: WILSON, Allan

SR:jd

D.: 13sep01

T.: 17sep01

Rev: 20sep01-ct

sep3514j

 MD

*This document has been signed electronically.
Authentication automatically occurs within 10 days of the transcription date.*

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE: 1
UNIT #: 203438
NAME: WILSON, Allan

CONSULTATION NOTE

DATE OF BIRTH: [REDACTED] 1978
DATE OF ASSESSMENT: 9 June 2008
REFERRED BY: Dr. [REDACTED]

IDENTIFYING DATA:

Mr. Wilson is a 29 year old single male who has recently broken up with his girlfriend of two years; however they are still living together at this point. He works as a records technician for the Government for the past five years.

REASON FOR REFERRAL:

Second opinion with respect to discontinuing Mr. Wilson's psychiatric medication.

CURRENT MEDICATION:

[REDACTED] 20 mg po once daily for the past seven years.

ALLERGIES:

No known drug allergies.

HISTORY OF CURRENT EPISODES

Mr. Wilson describes being well for many years. At the present time he describes his mood as good although he is dealing with the break-up of his two-year relationship and has worries about his girlfriend's mental health. He is sleeping well 8 hours per night, enjoys his activities, and denies any guilt. He describes his energy, concentration and appetite as normal. He denies any suicidal ideation since 2001.

Mr. Wilson denies any manic symptoms at present or in the past. When asked specifically about hallucinations Mr. Wilson denies any auditory, visual, olfactory or somatic hallucinations. He denies any delusions of persecution, grandiosity, control or religiosity.

Mr. Wilson denies any ongoing symptoms of generalized anxiety disorder, PTSD, OCD, panic disorder or social phobia.

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE: 2

UNIT #: 203438

NAME: WILSON, Allan

FAMILY PSYCHIATRIC HISTORY:

Mr. Wilson denies any family psychiatric history however on further questioning it appears his mother committed suicide when he was ten years old. He has no knowledge of her suffering from any mental illness.

MEDICAL HISTORY:

Mr. Wilson describes himself as medically well. There is no past history of significant head injury, seizure disorder, hypertension, dyslipidemia, and diabetes or thyroid abnormality. He is followed by a family physician for physical exams and blood work.

PERSONAL PSYCHIATRIC HISTORY:

Mr. Wilson describes himself as having no psychiatric illness prior to the year 2000, including symptoms of dysthymia or anxiety disorder. In 2000, Mr. Wilson developed [REDACTED]. He relates the onset of his symptoms to the death of a patient at the facility where he works as a clerk and describes delusional guilt related to feeling responsible for the patient's death. At that time he also had some auditory hallucinations and possibly some delusions of persecution. Prior to hospitalization, he described having problems with reduced sleep, anhedonia, poor energy, concentration, and appetite. He cut his neck and abdomen quite severely in a suicide attempt and was hospitalized for one month.

At that time Mr. Wilson was started on [REDACTED] 20 mg and [REDACTED] 7.5 mg. He indicates that they did try to increase [REDACTED] but he was not able to tolerate a higher dose. He remained well for about a month then elected to discontinue his medications. At that time in 2001 he developed similar symptoms of depression and sustained a fracture following a suicide attempt in jumping from a bridge. He was again hospitalized for one month and restarted on his medications.

Mr. Wilson has been followed by Dr. [REDACTED] since 2001 and sees her approximately every two to three months. [REDACTED] has been reduced by Dr. [REDACTED] from 7.5 to 5 mg, to 2.5 mg and then was eventually discontinued in November 2007. Since discontinuing [REDACTED], Mr. Wilson notes that he is sleeping less - although still 8 hours per night - and feels more alert but denies any recurrence of psychotic symptoms.

Mr. Wilson denies any side effects related to the [REDACTED] however he does have some concerns about being on this medication long term, especially related to his interest in joining the military for which being on psychiatric medication is a contraindication for

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE: 3

UNIT #: 203438

NAME: WILSON, Allan

enrolment.

HABITS:

Mr. Wilson is a non-smoker and drinks alcohol very rarely. He does not use over-the-counter medications or street drugs. He does endorse occasional marijuana and hallucinogenic mushroom use as a teenager.

MENTAL STATUS EXAMINATION:

Mr. Wilson presents as looking his stated age and was appropriately dressed and groomed. He was polite and cooperative and there was no evidence of abnormal movements, psychomotor retardation or agitation. He described his mood as good and his affect was congruent although somewhat restricted in range and perhaps a little guarded. He was noted to smile at times inappropriately which may have been related to some anxiety about the interview.

Mr. Wilson's speech appeared odd in that it was quite formal and stilted in prosody. His thought form was organized. There was no evidence of suicidal or homicidal ideation, obsessions or delusions. There were no perceptual abnormalities. Insight and judgement were felt to be good. Cognition appeared grossly normal although Mr. Wilson appeared quite concrete in some of his responses and at times gave vague answers, for example when questioned about his mother's suicide. At other times he appeared to be downplaying his past suicidal behaviours, describing prior to his first hospital admission having some self-harm behaviour, and with his second hospital admission that he fell and only upon probing did he reveal that he actually jumped from the bridge. Mr. Wilson also appeared to have some difficulty with simple questions including responding to questions about different types of hallucinations as if he had never been asked these questions before which would be unlikely.

DIAGNOSTIC IMPRESSION:

Axis I: [REDACTED], severe, recurrent, with [REDACTED], in remission.
Axis II: Deferred.
Axis III: None.
Axis IV: Recent breakup with girlfriend.
Axis V: GAF: 71.

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE: 4

UNIT #: 203438

NAME: WILSON, Allan

TREATMENT RECOMMENDATIONS:

It is our recommendation given the severity of Mr. Wilson's past depressions, his somewhat odd presentation, and the possibility that he may be downplaying his symptoms, that ideally he would remain on medications for life. However, Mr. Wilson is unlikely to be compliant with this suggestion given that he has been doing well for the past seven years. It would be preferable that if Mr. Wilson is to discontinue his medication that he do so under direct psychiatric supervision. We would therefore recommend that should Mr. Wilson elect to discontinue [REDACTED] that it be reduced to 10 mg daily for two months, then further to 10 mg every second day for two months. Following that, it can be discontinued and will have a washout period of approximately six weeks. We would suggest that you see Mr. Wilson every month for follow-up and restart [REDACTED] immediately should any of his depressive symptoms return.

Thank you for this interesting consultation. Please do not hesitate to call us if you have any questions or want to discuss the suggested treatment plan. You can reach us at [REDACTED], extension [REDACTED].

Image

[REDACTED] PGY-4

A. Bl...

[REDACTED] MD, PhD

Director and Endowed Chair
Mood Disorders Research
University of Ottawa Institute of Mental Health Research
Canada Research Chair in Psychopharmacology

JM:fb
D.: 09jun08
T.: 16jun08
Jun29441g

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date:

Oct 31 2011

Time:

3:30

HPI/Mental Status:

Allan was well groomed with a pleasant but reserved affect. He calmly reported "I am now all medicated". Aproximately 2 weeks ago he began having difficulty sleeping for about 3 days. He then experienced auditory hallucinations of a woman screaming outside and heard his neighbor speaking below him. Both of these things were very anxiety provoking. Allan began to feel that his mind was "overly vulnerable to influence" and he began remembering stabbing himself when he first became ill. As a result of this he called a friend and his father and went to the emergency room and was seen in 2 days by a psychiatrist who instructed him to restart [REDACTED] 15mg am and [REDACTED] 1mg hs and to take a week off. Allan complied with this and was able to return to work this week and 2 mornings last week.

He states that his mood is good. He no longer is having perceptual abnormalities, no delusions/hallucinations, suicidal or homicidal ideation. It is still taking an hour to fall asleep and he uses lorazepam every other night. Thought form is organized. No agitation or marked slowing.

Impression/Plan:

Exacerbation of [REDACTED] secondary to medication nonadherence now resolving with [REDACTED] medication. We discussed continuing [REDACTED] vs switching to another with better profile for sleep. [REDACTED] were reviewed. [REDACTED] 25mg hs pm for sleep. He declined any of these options and agreed to stay on his current meds. See next week and consider decrease to 10mg am in 2 weeks if sleep is still an issue.

Medications:

[REDACTED] 15mg am

[REDACTED] 1mg hs pm

see next week.

Electronically Signed Off 31/10/2011 at 16:02

[REDACTED] MD, FRCPC

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date:

Nov. 7th 2011

Time:

3:30

HPI/Mental Status:

Allan continues to have difficulty with falling asleep and mild-moderate akathisia. His insight into his illness is partial. His initial illness started with paranoia that a man with a head injury whom he referred to another clinic as there was no doctor available died. This event did not happen, yet in 2009 he hired a private investigator to look into it and he wrote a letter to the doctor at the clinic who was on duty at the time and no one has any recollection of this event. When Allan went off of his medication in 2009 he was harrassed by voices and threats that he believed were related to this event. Today Allan continues to believe that the voices and paranoia were reality based and he can't reconcile himself to the fact that the medication he is taking does more than help him sleep. However, despite this he does take his medication as he believes that he feels better when he is sleeping. He denies current perceptual abnormalities, guilt or feelings of persecution and he is able to be reassured that he was not responsible for a medical mishap. However, he does believe that someone was persecuting him for something he did not do the last time that he was admitted.

Currently mood is good. Attention, concentration good. No suicidal or homicidal thinking or perceptual abnormalities. Self care is good. Thought form is organized.

Impression/Plan:

██████████ with residual positive symptoms at his usual baseline, akathisia and initial insomnia. Reduce ██████████ to 10mg am. See in 1 week. Relapse prevention.

Medications:

██████████ 10mg am

██████████ 1mg hs pm

Electronically Signed Off 07/11/2011 at 16:21

██████████, MD, FRCPC

SR:

D.:

T.:

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date:

Nov 14th 2011

Time:

4:00

HPI/Mental Status:

No deterioration in self-care or reported functionality at work, however, Allan has ongoing difficulty falling asleep with [REDACTED] and over the last 4 days has increased his [REDACTED] to 2mghs. He is requesting to switch back to [REDACTED] and discontinue [REDACTED]. In the past he tolerated [REDACTED] with good effect and resolution of psychosis symptoms, but he did have some weight gain. He indicated that he preferred that over not being able to sleep. No agitation or slowing. Organized thought form. Normal rate of speech. Capable with respect to treatment. No neurovegetative signs and symptoms of depression. Warned about [REDACTED] discontinuation and was advised to taper the dose if he was unable to sleep or felt anxious.

Impression/Plan:

[REDACTED] stable.

Medications:

Discontinue [REDACTED] 10mg am.

Start [REDACTED] 7.5mg hs

decrease [REDACTED] to 0.5mg hs prn script for 7 days

See next friday for fasting BW and appointment.

Electronically Signed Off 14/11/2011 at 16:17

[REDACTED], MD, FRCPC

SR:

D.:

T.: 11/14/2011

Doc #: 8134

Centre de santé mentale
RoyalOttawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date: Nov 25th 2011

Time: 0930

HPI/MSE:

Allan is experiencing sedation with the switch to [REDACTED] from [REDACTED]. He was 20 min late for work one day and finds that he falls asleep at break time when at his desk. However, when he has an activity to focus on fatigue doesn't interfere with it. His sleep is much better and he did not use any [REDACTED] during the transition to [REDACTED]. His mood is good with more evidence of a sense of humour. Thought form is organized. No voiced delusions or perceptual abnormalities. Appetite hasn't changed. Speech is normal rate and tone and no neurovegetative signs and symptoms of depression. No voiced suicidal or homicidal thinking.

Future oriented with plans to change his workplace as opportunities arise. There is potential for a move to Winnipeg within the next 2 years. Allan was informed of the process to obtain a psychiatrist in another province and he agreed to keep me aware of potential moves.

Imp/Plan:

Stable [REDACTED] with [REDACTED] induced sedation. Maintain current dose and see in 2 weeks. If sedation continues at that point with interference in function, reduce to 5mg hs. FBW done this am, results pending.

Medication:

[REDACTED] 7.5mg hs

Discontinue [REDACTED]

Electronically Signed Off 25/11/2011 at 09:58

[REDACTED], MD, FRCPC

SR:

D.:

T.: 11/25/2011

Doc #: 9290

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date: Dec 12th 2011

Time: 3:30

HPI/MSE: Allan continues to battle sedation. He struggles to get up in the am and falls asleep at work on occasion. No preoccupation with past delusional thinking. No paranoid delusions or auditory hallucinations currently. His mood is good. Affect is constrained but not flat. Thought form is goal directed and organized. No psychomotor slowing or agitation. Sleeping 7-8h/night. Partial insight.

Imp/Plan: [REDACTED] with sedation from [REDACTED]. Decrease the dose to [REDACTED] 5mg hs. Relapse prevention discussed. See Jan 3 2012.

Medication:

[REDACTED] 5mg hs.

Electronically Signed Off 12/12/2011 at 15:49

[REDACTED], MD, FRCPC

SR:

D.:

T.: 12/12/2011

Doc #: 10787

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date: Jan 3rd 2012

Time: 3:00

HPI/MSE: Allan got a respiratory virus and has been sleeping more as a result. His mood is good. Affect was appropriate today with evidence of a dry sense of humor. Good self-care. Visited with family over the holidays and states he enjoyed it. No voiced delusions or hallucinations. Thought form is goal directed. Had 3 days off over Christmas and is back to regular work schedule this week. He is considering distance course in 2013 to study "the economics of law" to be a law clerk or a notary. No worsening of symptoms with decrease in [REDACTED] dose.

Imp/Plan: [REDACTED] stable. Fatigue and weight gain with [REDACTED]. FBW results pending. No med changes. Continue current management and seen end of Feb 2012.

Medication: [REDACTED] 5mg hs.

Electronically Signed Off 03/01/2012 at 15:32

[REDACTED], MD, FRCPC

SR:

D.:

T.: 01/03/2012

Doc #: 12203

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date: Feb 27th 2012

Time: 3:30

HPI/MSE: Alan continues to work full-time although he like many in the government are worried about the pending budget cuts. His affect was somewhat curt today with abrupt answers, but no frank irritability or lability. He states his mood is unchanged from the last appointment and that he still feels fatigue in the afternoon and sleeps about 2 hours after work. Denies auditory hallucinations or paranoia about the neighbors. No suicidal ideation or homicidal ideation. His insight is partial-he states that he doubts he ever really had hallucinations rather a problem with his sleep. He states he is taking his meds and going to the gym regularly. Last FBW was Nov 2011 therefore we will do it in May 2012 unless there are other results not available to the chart.

Imp/Plan: [REDACTED] Continue current management. I again told Allan that I wouldn't sign a firearms medical as he asked about it again. See in April 2012.

Medication:

[REDACTED] 5mg hs.

Electronically Signed Off 27/02/2012 at 16:05

[REDACTED] MD, FRCPC

SR:

D.:

T.: 02/27/2012

Doc #: 16552

Centre de santé mentale
Royal Ottawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date: April 2 2012

Time: 3:30

HPI/MSE: Seen today. Continues to work full-time with the government and reports that he is not too worried that he will lose his job at this point. No delusions/hallucinations voiced. He has further reduced his meds to 3x per week due to sedation. His thought form is organized and affect demonstrates a dry sense of humor. No agitation or slowing. Allan continues to under estimate the seriousness of the risk of relapse off of medication. His father dropped by my office about 2 weeks ago unannounced to report his concerns about Allan wanting to come off of medication again. At that time he did not notice anything had shifted or changed in Allan's thinking or behaviour and he was not immediately worried about him. He asked that I not inform Allan that he had been by. I encouraged him to remain in touch and to call as needed if he had concerns to report. He is aware that I do not have Allan's permission to discuss his case with him.

Imp/Plan: [REDACTED] with poor insight into the risk of relapse with partial med adherence or discontinuation. I provided information about this and that the half-life of [REDACTED] is longer than [REDACTED] and that low dose [REDACTED] should be taken daily. He was informed that without the tolerance that comes from taking meds daily he would have more side-effects. Not certifiable or at risk of harming himself or others today. Relapse prevention done. See in 1 month.

Medication:

[REDACTED] 5mg hs.

Electronically Signed Off 02/04/2012 at 15:52

[REDACTED] MD, FRCPC

SR:

D.:

T.: 04/02/2012

Doc #: 19664

Centre de santé mentale
RoyalOttawa
Mental Health Centre

PAGE 1

UNIT #: 203438

NAME: WILSON, ALLAN DOUGLAS

Date: April 30th 2012

Time: 4:00

HP/MSE: Allan continues to present with stable if restricted affect. He does not appear to be internally preoccupied or agitated. He states that his mood is good and he is sleeping well. He denies delusions and hallucinations. Thought form is organized. He is running and playing tennis regularly. No SI/HI. Insight into his illness is fair. he continues to lower his dose despite the risk that this poses to his mental health.

Imp/Plan: [REDACTED] stable. Continue relapse prevention. No signs of relapse currently. See in June 2012. Aware he can be seen during my absence by calling my admin assistant [REDACTED].

Medication:

[REDACTED] 5mg hs taken Mon and Friday

Electronically Signed Off 30/04/2012 at 16:30

[REDACTED] MD, FRCPC

SR:

D.:

T.: 04/30/2012

Doc #: 21479

Account of facts surrounding incident at Appletree Medical Centre, Meadowlands and Merivale Ottawa, Wednesday, June 21st, 2000.

The Doctor, Manager, and assistants went to lunch between 11:30am and 12:30pm. I was the only employee on duty besides another assistant who was working in the back.

An elderly woman walked into the clinic accompanied by a man with an apparent head injury. The woman explained that he was in a gardening accident, he stepped on a rake, the handle of which hit him in the head. I asked if this was an emergency. The woman said it was not. I told her the Doctor was not on duty, she asked to see someone immediately and I referred them to another clinic and gave the phone number. I offered to allow the elderly woman to use the clinic's phone if she did not have one of her own and she refused. The woman asked me if I saw a set of keys. I looked around and she reached to pick up a ring of keys from a chair she left them on. I said, 'There they are' and they left the clinic.

The other employees returned from lunch and a short time later the elderly couple came back to the clinic, I was told they were the parents of the manager. An assistant asked them what they were doing there, the woman replied that they were 'just wandering around'. The assistant replied sarcastically 'Sure you were'. The couple were directed to a back consultation room to check the apparent head wound. From the back I heard the elderly woman thank the assistant, and the assistant replied that all she was doing was 'wiping off dirt' amid laughter, questioning if there was any actual wound, the elderly woman thanked the assistant. I then heard the elderly woman ask if there was a side door or back door they could exit from. The assistant questioned why they would be asking that. The elderly woman suggested it would be more convenient to exit to parking, the assistant questioned this.

Monday, June 26, I asked the manager at the clinic if there was a patient who came to the clinic fitting that description. She showed me the patient list for that day and there was no record of a transaction. I was disturbed by these events and had questioned them over the weekend. The manager suggested going home and getting rest.

Later that afternoon in my residence I heard voices, sometimes many voices using threatening language, saying that they were killing a brother, fireworks going off outside saying they killed a brother many times

There was apparent use of mind exposure, I had heard some of these things in previous days and were recalling them before they were repeated: suggestions of 'going Japanese', that suicide was 'Japan's biggest export' and suggesting this many times I imagined kneeling with my shirt open using a knife, a woman said that it was 'cool'.

Following this was the use of threatening and violent expressions causing feelings of distress and pain in the gut region, hearing they killed a brother, presumably my brother, repeating this many times with screams of pain causing more distress. A male voice said, 'rip your guts out and throw you off a bridge', and if I didn't do it, he would 'come over and do it for me'. Thinking that the hurting and abdominal pain may never stop I took a knife to my neck, wrist, and abdomen.

My roommate discovered me and shouted: 'Don't do this here!' and ran off to call an ambulance. The ambulance personnel entered, shot me twice with a taser, with one responder commenting: 'maybe if he'd used a serrated knife'; wrapped me in a sheet and hauled me in the back of the ambulance. I heard a woman's voice say: 'we have him right where we want him', then 'just kidding'.

At an unknown location there was a group of people observing me while I was lying on a steel gurney. A woman jumped up on the gurney exposing her buttocks and flatulating over me saying 'This is what an ass is for', the others told her that was enough, she said 'what, he's going to die anyway'. I recall another woman say that they were saving me. I was interrogated in the hospital with hostile questioning and was told the police were right outside when I was ready. I recall uttering nonsense that was dismissed as not a valid confession of any crime.

The active surveillance was evident days before hospitalization not only in my residence but in the streets while walking. In the days prior, my brother questioned why I was calling him so much for no reason and it was in fact to check if he was ok.

Following the incident and subsequent hospitalization, my employment was terminated from the clinic due to lack of work. I heard from my sister-in-law who was working at another clinic that the clinic manager where I had been working had also been terminated.

"I declare under penalty of perjury of the laws of District of Columbia that the foregoing is true and correct".

Signed at Cebu City, Philippines, by Allan Douglas Wilson

On (date) DECEMBER 23, 2022

(signature) 

CLEAR FORM

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

Allan Douglas Wilson

PLAINTIFF

74 General Maxilom Ave

Address (No Post Office Boxes)

Cebu City Cebu 6000

City State Zip Code

VS.

CIVIL ACTION NO. 23-CV-216-CJN

Department of State et al

Jury Trial: Yes No

DEFENDANT

2201 C St NW

Address (No Post Office Boxes)

Washington DC 20520

City State Zip Code

MOTION

Motion to include additional exhibits

Seeking leave of the court to file documents received from the Defendant after sending and filing of complaint documents including exhibits. Additional documents are further to a noted telephone conversation with an officer of the Embassy and illustrate the decision regarding the Plaintiff giving rise to the complaint. Exhibits as follows:

Exhibit A_Embassy email chain and denial.pdf , and
Exhibit B_denial letter.pdf

Requesting filing the above to arrive at an agreeable judgment.

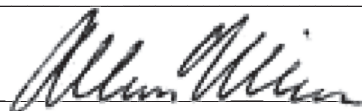
RECEIVED

3/3/2023

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

Rev: 01/10/2023

*Use additional pages as needed


Signature

Allan Douglas Wilson
Name (if applicable, Prisoner ID No.)

74 General Maxilom Ave
Address/Facility Address

Cebu City Cebu 6000
City State Zip Code

From: "ACS InfoManila" <ACSInfoManila@state.gov>
 To: wilson.allan [REDACTED]
 Date: 9/8/2022 6:18:26 PM
 Subject: RE: passport

Dear Allan Wilson:

Thank you for your email.

To better serve applicants in the Philippines, we provide an initial assessment of the submitted package so that the applicant is best positioned for the interview with the consular officer.

Our initial assessment of your package shows the consular officer may require additional evidence, as applicable, including original copies of your documentation. We therefore encourage you to thoroughly review the checklist and bring additional evidence on the day of your interview. You may also wish to review our [Eligibility to Transmit U.S. Citizenship webpage](#), which explains the requirements for an applicant to claim U.S. citizenship and provides examples of documentary evidence you can provide.

At this time, due to the volume of applications we receive, we are unable to provide another assessment of an applicant's package. We also cannot pre-adjudicate an application via phone or email. On the day of the appointment, a consular officer will review the submitted forms and documents, conduct an interview to assess eligibility for U.S. citizenship, and provide further instructions as necessary. Should an applicant decide not to appear at the interview, we will return all documents via mail.

Sincerely,

American Citizen Services |
 Consular Section | U.S. Embassy in the Philippines



Around the Clock. Around the World. American Citizen Services. [Travel.State.Gov](#)

/cit6

Email contains PII

From: Allan Wilson <wilson.allan [REDACTED]>
Sent: Thursday, September 8, 2022 9:28 AM
To: ACS InfoManila <ACSInfoManila@state.gov>
Subject: passport

I am following up on my email sent August 22nd looking to verify if you have received the required documents before my scheduled appointment in October.

Can your office advise if any other information will be required, or if the documents received in the packet that I sent are sufficient for my application?

Looking forward to your expeditious reply.

A. Wilson

On Mon, Aug 22, 2022 at 5:51 PM Allan Wilson <wilson.allan [REDACTED]> wrote:

Thank you for scheduling an interview for me in Manila on October 17 at 8:45 AM. In the email notification, your office has indicated that the following documents were missing in the packet that I mailed August 8th and was received by the US Embassy mailroom on August 12th:

Applicant's birth certificate.

- Photo identification and labeled age-progression photos of child/applicant, including photos of the applicant with family members.

- Parents' marriage certificate, if applicable.

- Certified divorce/annulment decrees/death certificates, if applicable.

- Prenatal records, Artificial Reproductive Technology records, hospital photos, and/or other evidence of mother's pregnancy.

- Evidence of the parents' presence in the same location at the time of conception.

- Evidence of the parents' relationship prior to the date of conception.

There was no damage to the packet noted by the courier company, so all documents should have been intact at the time of reception. Following is a list of documents contained in the packet with descriptions / explanations:

1- There were copies of my long form birth certificate and the provincially issued one (2 pages).

2- There was a copy of my current driver's license and a 1-page photo montage of age-progression photos of myself with family members.

3, 4 - My parents were common-law married so no marriage certificate, divorce or annulment documents are available.

5- No pregnancy or prenatal records are available.

6, 7 - The enclosed Supreme Court of Ontario document and accompanying affidavit constitute the following proofs: My parents' presence in the same location at time of conception; My parents' relationship prior to date of conception; Proof of financial support. The preceding two proofs are based on the fact that because the document indicates that my parents were in a common law marriage on 15th January, 1979, and a minimum 1 year period of cohabitation with a relationship including support is required to achieve common law status in Ontario, my parents were without question living together at the time of my birth (██████████ 1978) and were in a relationship prior to that time. I have only a copy of the court document, the original residing with the court. Please indicate if a legal opinion will be required to support these proofs.

With your response that my supporting documents are complete, I will confirm the October appointment. Please indicate based on all the information provided if any other documents will be required for the purpose of my passport application.

A. Wilson

+63 ██████████

+63 ██████████

SBU -PRIVACY OR PII

From: **Allan Wilson** <wilson.allan[REDACTED]>
To: **ACS InfoManila** <ACSInfoManila@state.gov>
Subject: Re: passport
Date: 15.12.2022 15:06:35 (+01:00)

Good day,

I have sent you my written response to your telephone call of November 9, 2022 at approximately 11:00 AM. The response was sent by courier December 11, 2022 and received by your office December 14, 2022.

As an unrecognized or undocumented natural born American citizen, I am requesting a written denial of my adult derivative application for a U.S. passport with any associated legal references or justification. This is further to the verbal denial communicated by you during your call. I am also requesting that your office provide to me a transcript of the telephone call and / or sound recording if one exists.

If no written response providing the requested information or specific communication confirming intent to act on this request is received in the next 5 business days I will follow up with further action.

Thank you for your consideration.

A. Wilson

On Fri, Nov 4, 2022 at 2:24 AM Allan Wilson <[wilson.allan\[REDACTED\]](mailto:wilson.allan[REDACTED])> wrote:

Good day,

Following my meeting with a US Consular Officer on October 17, I was advised that the Officer would consult with their legal counsel regarding 3 of the required proofs for recognition of US citizenship. Can you provide any update regarding this matter?

A. Wilson

On Fri, Sep 9, 2022 at 8:18 AM ACS InfoManila <ACSInfoManila@state.gov> wrote:

Dear Allan Wilson:

Thank you for your email.

To better serve applicants in the Philippines, we provide an initial assessment of the submitted package so that the applicant is best positioned for the interview with the consular officer.

Our initial assessment of your package shows the consular officer may require additional evidence, as applicable, including original copies of your documentation. We therefore encourage you to thoroughly review the checklist and bring additional evidence on the day of your interview. You may also wish to review our [Eligibility to Transmit U.S. Citizenship webpage](#), which explains the requirements for an applicant to claim U.S. citizenship and provides examples of documentary evidence you can provide.

At this time, due to the volume of applications we receive, we are unable to provide another assessment of an applicant's package. We also cannot pre-adjudicate an application via phone or email. On the day of the appointment, a consular officer will review the submitted forms and documents, conduct an interview to assess eligibility for U.S. citizenship, and provide further instructions as necessary. Should an applicant decide not to appear at the interview, we will return all documents via mail.

Sincerely,

American Citizen Services |
Consular Section | U.S. Embassy in the Philippines

From: "ACS InfoManila" <ACSInfoManila@state.gov>
To: "Allan Wilson" <wilson.allan [REDACTED]>
Date: 1/23/2023 12:38:03 AM
Subject: Re: passport

Dear Allan Wilson:

Thank you for your follow up email.

Upon review of the documents you submitted, it was determined that you do not have a valid claim to U.S. citizenship because your U.S. citizen parent, your father, did not legitimize you and/ or provided a statement of financial support before you reached the age of 18.

Sincerely,

American Citizen Services |
Consular Section | U.S. Embassy in the Philippines



Around the Clock. Around the World. American Citizen Services. [Travel.State.Gov](https://travel.state.gov)

agv/
Email contains PII

From: Allan Wilson <wilson.allan [REDACTED]>
Sent: Thursday, January 19, 2023 10:23 AM
To: ACS InfoManila <ACSInfoManila@state.gov>
Subject: Re: passport

Hi, Is there any update on my application?

A. Wilson
+63 [REDACTED]

On Wed, Dec 28, 2022 at 7:16 AM ACS InfoManila <ACSInfoManila@state.gov > wrote:

Dear Allan Wilson,

Thank you for your email. We have received your additional documents and the application is under review. We will contact you if additional documents will be needed.

Sincerely,

American Citizen Services |
Consular Section | U.S. Embassy in the Philippines



Around the Clock. Around the World. American Citizen Services. [Travel.State.Gov](https://travel.state.gov)

/cit6
Email contains PII

From: Allan Wilson <wilson.allan [REDACTED]>
Sent: Thursday, December 15, 2022 3:06 PM
To: ACS InfoManila <ACSInfoManila@state.gov >
Subject: Re: passport

Good day,

I have sent you my written response to your telephone call of November 9, 2022 at approximately 11:00 AM. The response was sent by courier December 11, 2022 and received by your office December 14, 2022.

This PDF document was edited with **Iccream PDF Editor**.
Upgrade to **PRO** to remove watermark.

As an unrecognized or undocumented natural born American citizen, I am requesting a written denial of my

adult derivative application for a U.S. passport with any associated legal references or justification. This is further to the verbal denial communicated by you during your call. I am also requesting that your office provide to me a transcript of the telephone call and / or sound recording if one exists.

If no written response providing the requested information or specific communication confirming intent to act on this request is received in the next 5 business days I will follow up with further action.

Thank you for your consideration.

A. Wilson

On Fri, Nov 4, 2022 at 2:24 AM Allan Wilson <[wilson.allan\[REDACTED\]](mailto:wilson.allan[REDACTED])> wrote:

Good day,

Following my meeting with a US Consular Officer on October 17, I was advised that the Officer would consult with their legal counsel regarding 3 of the required proofs for recognition of US citizenship. Can you provide any update regarding this matter?

A. Wilson

On Fri, Sep 9, 2022 at 8:18 AM ACS InfoManila <ACSInfoManila@state.gov> wrote:

Dear Allan Wilson:

Thank you for your email.

To better serve applicants in the Philippines, we provide an initial assessment of the submitted package so that the applicant is best positioned for the interview with the consular officer.

Our initial assessment of your package shows the consular officer may require additional evidence, as applicable, including original copies of your documentation. We therefore encourage you to thoroughly review the checklist and bring additional evidence on the day of your interview. You may also wish to review our [Eligibility to Transmit U.S. Citizenship webpage](#), which explains the requirements for an applicant to claim U.S. citizenship and provides examples of documentary evidence you can provide.

At this time, due to the volume of applications we receive, we are unable to provide another assessment of an applicant's package. We also cannot pre-adjudicate an application via phone or email. On the day of the appointment, a consular officer will review the submitted forms and documents, conduct an interview to assess eligibility for U.S. citizenship, and provide further instructions as necessary. Should an applicant decide not to appear at the interview, we will return all documents via mail.

Sincerely,

American Citizen Services |
Consular Section | U.S. Embassy in the Philippines



Around the Clock. Around the World. American Citizen Services. [Travel.State.Gov](https://travel.state.gov)
/cit6

Email contains PII

From: Allan Wilson <[wilson.allan\[REDACTED\]](mailto:wilson.allan[REDACTED])>
Sent: Thursday, September 8, 2022 9:28 AM
To: ACS InfoManila <ACSInfoManila@state.gov>
Subject: passport

I am following up on my email sent August 22nd looking to verify if you have received the required documents before my scheduled appointment in October.



Embassy of the United States of America

Manila, Philippines

January 9, 2023

Allan Douglas Wilson
74 Gen. Maxilom Ave
Horizons 101 T245Q
Cebu City, Cebu
Philippines 6000

Dear Allan Douglas Wilson:

Thank you for your application for first time U.S. passport. The application was reviewed under Section 309 (a) of the Immigration and Nationality Act.

Based on the documents submitted, we have determined that you do not have a valid claim to U.S. citizenship because your U.S. citizen father did not legitimate you and/or provides a statement of financial support before you turned 18 years old.

You may want to contact the U.S. Citizenship and Immigration Services regarding other avenues for acquiring U.S. Citizenship. Any original documents submitted as part of the application are enclosed. By law, the passport execution and application fees are non-refundable.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long horizontal line.

Deputy Chief
American Citizen Services
U.S. Embassy Manila, Philippines

CLEAR FORM

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

Allan Douglas Wilson

PLAINTIFF

74 General Maxilom Ave

Address (No Post Office Boxes)

Cebu City Cebu 6000

City State Zip Code

VS.

CIVIL ACTION NO. 23-CV-216-CJN

Department of State et al

Jury Trial: Yes No

DEFENDANT

2201 C St NW

Address (No Post Office Boxes)

Washington DC 20520

City State Zip Code

MOTION

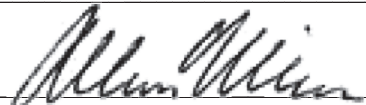
Motion for leave to file Supplemental Pleading

Pursuant to Rule 15 of the Federal Rules of Civil Procedure [Fed. R. Civ. P. 15(a)(2)], the Plaintiff respectfully moves the Court for leave to file the attached Civil Complaint Section 5 Supplemental Pleading, inclusion of Relief for exemplary and punitive damages ("Supplemental Pleading").

RECEIVED

4/1/2023

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia



Signature

Allan Douglas Wilson
Name (if applicable, Prisoner ID No.)

74 General Maxilom Ave
Address/Facility Address

Cebu City Cebu 6000
City State Zip Code

Pursuant to Rule 15 of the Federal Rules of Civil Procedure [Fed. R. Civ. P. 15(a)(2)], the Plaintiff respectfully moves the Court for leave to file the attached Civil Complaint Section 5 Supplemental Pleading, Relief for exemplary and punitive damages (“Supplemental Pleading”).

DECLARATION:

This amendment is brought forward in view of the documented denial of recognition of the Plaintiff’s U.S. citizenship and resulting denial of inherent rights, privileges, and immunities secured by the U.S. Constitution by the U.S. Embassy in Manila, Office of Citizen Services, under color of Immigration and Nationality Act (INA) 301. The previously stated remedies are hereby supplemented considering the documented denial received from the Defendant after filing, and with regard to a certain sum needed for exemplary and punitive damages in the interest of justice.

Particularly at issue are the following rights inherent in U.S. citizenship:

Right To Be Protected By U.S. Laws

Right To Legally Work In The U.S.

Right To Live Permanently In The U.S.

Right to Vote Freely in Public and Open Elections

Right to a Fair Trial

Evidence of physical harm and abuse is not a requirement for proving rights abuses and denial of rights, although most recent cases demonstrate such harm. Corpses may be denied the right of dignity, and prisoners may also have the right to vote, thus the human condition is separate although often resulting from rights abuses. Whether dead, injured, or alive; prisoner, detainee,

or free; rights are not dependent on the physical conditions of the person, but on the abstract concept of citizenship. Considering that physical harm is not intrinsic to denial of rights, and that civil rights are at the essence of the complaint, it is the view of the plaintiff that remedies are in line with cases involving injury and death, while excluding the factor accounting for grave physical injury.

As a result of the Embassy's inaccurate claim of illegitimation and erroneous application of the law with negligent disregard of the evidence of citizenship resulting in deprivation of rights, privileges, and immunities secured by the Constitution and laws, the following remedies are sought:

1- Injunction to issue U.S. passport in favor of the Plaintiff;

2- \$402 USD compensation for plaintiff's legal fees; and

3- Exemplary and punitive damages awarded at the Court's discretion amounting to an average of 5 recent civil rights violation cases referenced (CIVIL RIGHTS VIOLATIONS CASE RESULTS <https://www.gbw.law/news-press/case-results/civil-rights-violation-cases/>), 25% of which is considered for denial of rights without significant injury or death, and that other viable countries may also afford overlapping rights, equaling \$2,377,500 USD.

The amended remedies are not intended to value the rights which were denied, but rather to provide incentive for abiding by the rule of law, and to prevent future discreditable conduct from the parties involved.

I declare under penalty of perjury that the foregoing is true and correct.

Plaintiff: Allan Douglas Wilson

A handwritten signature in cursive script, appearing to read "Allan Wilson".

_____, Date: 04/02/2023

**UNITED STATES DISTRICT AND BANKRUPTCY
COURTS FOR THE DISTRICT OF COLUMBIA**

Allan Douglas Wilson

PLAINTIFF

74 General Maxilom Ave

Address (No Post Office Boxes)

Cebu City Cebu 6000

City State Zip
Code

CIVIL ACTION
NO.

23-CV-216-CJN

VS.

Jury Trial: Yes No

Department of State et al

DEFENDANT

2201 C St NW

Address (No Post Office Boxes)

Washington DC 20520

City State Zip
Code

NOTICE TO WITHDRAW MOTION TO ENTER DEFAULT

Plaintiff gives notice to withdraw the previously filed motion to enter the defendant into default, recognizing the requirement to serve copies on U.S. Attorney General and the Attorney's Office for the district of Columbia pursuant to Fed. R. Civ. P. 4(i)(1). This has been made known despite the lacking definition of the term 'agency' in Federal Rules of Civil Procedure for which this requirement of service applies. The misunderstanding of service rules originates from the plaintiff's background with the Government of Canada, where the term 'agency' is distinct from

'department' while the U.S. considers 'agency' to be an all-inclusive term (18 U.S. Code § 6).

On 5/15/23, the plaintiff perfected service of the originally filed summons and complaint by email to the U.S. Attorney's Office for the District of Columbia and copies sent by certified mail to the Attorney General and U.S. Attorney's Office. This is in addition to the previous service of the defendant named in the complaint on 2/24/23.

Further to the notice of non-service provided by the defense (ECF 14, Notice of non-service), it is apparent that counsel is seeking to rephrase the complaint as a matter of record (ECF 14 pg 1; Background para 1), and in a manner that suits the defense that however does not represent the truth.

BACKGROUND

The beliefs expressed in the complaint are not legal allegations, the definition of which demands intent to prove, but rather the plaintiff recognizes that if retained, any evidence relating to him from FISA Section 702 surveillance targeting would be subject to a national security FOIA exemption 5 U.S.C. 552(b)(1), and therefore cannot be proven or made public. The plaintiff has only sought to demonstrate with exhibits (ECF 1-1, pgs 1-29) the perceived urgency of recognizing his citizenship (compl 4) while affording its inherent rights and ending the perceived targeting. This sense of urgency is no longer acute as the plaintiff has observed that since initiating the complaint with the Court, there is no longer the same level of active surveillance targeting. This situation allows the plaintiff to enjoy freedoms normally attributed to foreign persons, as it cannot be ascertained without question that the plaintiff is not a U.S. citizen, and as

a presumed foreign U.S. person, minimization procedures would apply according to FISA Section 704(b)(4).

The complaint alleges denial of claim to U.S. citizenship under color of INA 301 & 309 and by extension the denial of constitutional rights, a denial received in triplicate: a noted telephone call to the plaintiff's residence; email from the U.S. Embassy, Manila; and a written letter from Deputy Chief Citizen Services, all rejecting the plaintiff's claim to U.S. citizenship (ECF 8-1, 8-2 & Complaint Part C). The Embassy's denial is not an allegation but rather a fact that is yet to be disputed.

Counsel states in the case background presented that the plaintiff alleges being deprived of a passport. The preliminary refusal of 2/8/22 that counsel is referencing is not material to the complaint, but rather superseded by a subsequent denial. The final decision of the Embassy was based on additional information submitted and is considered the complete administrative record. Although the plaintiff was advised to resubmit an application, upon reapplying on 10/17/22, the Intake Officer advised that the plaintiff's follow-up application was a continuation of the one previously submitted. There was no mention of a passport in the Embassy's denial which gives rise to the legal complaint.

The preliminary refusal of the plaintiff's adult derivative passport application is an undisputed fact for which the plaintiff has a written record. The Embassy's final decision posited the plaintiff's lacking legitimation, rejecting the plaintiff's claim to U.S. citizenship under color of INA 309(a). This reference is considered contrary to INA 301 as it does not address the proofs

submitted by the plaintiff proving legitimacy, referred to in ECF exhibit 8-1 pg 2, 6-7. The denied rights inherent in U.S. citizenship are a direct result of the rejection of the plaintiff's claim to citizenship and are the subject of the complaint. While intrinsic to the case, this subject is omitted from counsel's background description.

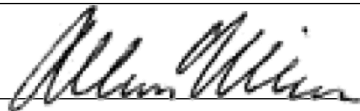
SUMMARY

It appears that the counsel's understanding of the legal basis for the plaintiff's civil rights complaint is limited to that which pertains to the issuing of a travel document, while questioning the beliefs of the plaintiff. Not only has the U.S. Embassy ignored the plaintiff's claim to citizenship based on the submitted proofs, but legal representation for the Government is now ignoring the substance of the complaint.

The counsel's question of the Embassy's preliminary refusal is not material to the complaint, and if needed, the written refusal can be entered into record. The applicant's beliefs are also not the basis for any viable claim, only intending to demonstrate urgency of the demanded injunction. As a cause of the counsel's misrepresentation of the facts of the case, plaintiff moves to strike Background para 1 from ECF 14, Notice of non-service pg 1 filed 5/9/23.

I declare under penalty of perjury that the foregoing is true and correct.

Rev: 05/17/2023



Signature

Allan Douglas Wilson

Name

74 General Maxilom Ave

Address/Facility Address

Cebu City

City

Cebu 6000

State

Zip Code

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE
DISTRICT OF COLUMBIA**

Allan Douglas Wilson

PLAINTIFF

CIVIL ACTION NO.

23-CV-216-CJN

VS.

Department of State et al

DEFENDANT

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Pursuant to Rule 15 of the Federal Rules of Civil Procedure Fed. R. Civ. P. 15(a)(2), the Plaintiff respectfully moves the Court for leave to file the attached Civil Complaint Section 5 Amended Pleading, Relief for compensatory and punitive damages (“Amended Pleading”).

In counsel's filing: Motion to Extend Time to Respond (doc 21, para 2), counsel has stated that 'Plaintiff seeks monetary damages related to adverse health effects he claims to have suffered from radio waves.'

In the Plaintiff's amended filing (doc 9-1), it was stated that compensatory damages for injury were not being claimed against the Department of State due to the inability to prove that the adverse effects described were caused by an entity of the U.S. Government.

The injuries resulting from active surveillance measures were cited in the amended complaint to express urgency for the demanded injunction and were not related to monetary damages.

Monetary damages were demanded at the Court's discretion for the refusal of the Plaintiff's claim to U.S. citizenship and consequent denial or violation of rights citizenship.

Counsel's disturbing admission that damages from the alleged civil rights violations are related to the Plaintiff's personal injury suffered from 'radio waves' reveals that the Defendant is responsible for, has implicit knowledge of, or is involved in the acts described (doc 1-1, p 1-9) referencing surveillance applications. If the civil rights offenses alleged in the complaint are undisputed or otherwise proven, the connection stated by counsel also proves offenses resulting in the injury to the Plaintiff as indicated by counsel's statement.

BACKGROUND

All U.S. persons derive their citizenship from the Immigration and Nationality Act (INA) and the U.S. Constitution. The denial of a valid claim of citizenship under the Act has far-reaching implications. It sets the example that anyone's claim to U.S. citizenship can be denied by the U.S. Government without lawful reason, resulting also in the denial of rights of citizenship. *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) set out remedies for the denial or violation of a constitutional right, even without evident physical injury.

While the Bivens claim was directed at federal law enforcement agents, the unnamed individuals responsible in the Plaintiff's case are employed in the foreign service who represent U.S. interests abroad. Although the defendant actors are presumed exempt from civil action, consular immunity should not extend as far as absolving acts resulting in the denial of constitutional rights, leaving the sending Department as the only object of recourse for a civil complaint. Although there is precedent that Bivens claims apply to individual defendants and not to the U.S. Government¹, in the absence of any other possible defendant and in the interests of justice, considering the seriousness of the alleged negligent violations there is no other option.

In *Bivens* 403 U. S., at 389-390 *id.*, at 410 (Harlan, J., concurring in judgment), the Court implied a cause of action against the agents in part because a direct action against the Government was not available. In the Plaintiff's complaint, the reverse applies, that because of the consular immunity of the defendant actors, due process can only be afforded through action against the Government.

Following the Fourth Amendment Bivens decision, the Supreme Court endorsed damages remedies for Constitutional violations by federal officers in two other cases involving Fifth and Eighth Amendment violations in *Davis v. Passman* 442 U.S. 228, 248-49 (1979) and *Carlson v. Green* 446 U.S. 14, 16-18 (1980).

The damages claimed in the Plaintiff's case are also in consideration of the future possibility of Congress waiving other constitutional torts from sovereign immunity of the United States or a

¹ *FDIC v. Myer*, 510 U.S. 471, 486 (1994)

federal agency. This can conceivably include damages from violation of the actual or derived rights from any and all of the Constitutional Amendments.

Sovereign immunity has been abrogated for individual states in reference to fourteenth Amendment violation cases: *Fitzpatrick v. Bitzer*, 427 U.S. 445 (1976) and *Ex parte Young*, 209 U. S. 123 (1908). at 415 U. S. 667-668²; and the definition of this state of inviolability can apply equally to the Federal Government.

Despite the exceptional circumstance of consular immunity applying to the defendant actors, and the absence of any statute conferring the right to claim against the U.S. Government, the Plaintiff is nonetheless entitled to a remedy whether statutorily or judicially created. While considering the question of whether compensatory damages awarded under an FTCA complaint are appropriate or other damages consistent with a *Bivens* or *ex parte Young*-type complaint against the U.S. Government, rendering no such aggregate damage award may go so far as to condone the actions of the Defendant in the public eye.

² *Ex Parte Young*: If government officials attempt to enforce an unconstitutional law, sovereign immunity does not prevent people whom the law harms from suing... *Ex Parte Young and Fitzpatrick v. Bitzer*: the corresponding judicial decisions do not exclude the viability of punitive damages.

Justice should be based on the gravity of the offense rather than the identity of the defendant, whether individual, corporate, or state entity, and should allow for all possible types of damages where appropriate.

Wrongful denial of rights by the Government constitutes an infringement or violation of rights as its implication has enumerable active consequences in society, rendering such rights as voting and due process purposeless, not only for the Plaintiff, but for anyone entitled to claim such rights inherent in citizenship. This creates a lack of confidence and trust in the administration when rights are denied arbitrarily or by gross negligence.

The damages claimed by the Plaintiff differ from those awarded in *Carey v. Piphus*, 435 U.S. 247 (1978) in that constitutional torts in this case are a direct result of the wrongful refusal under color of law of the Plaintiff's claim to citizenship, the evidence of which is undisputed. These damages go beyond nominal considering the injury to the Plaintiff and the example that the denial sets, with the broader implications on society of wrongfully denying all rights of citizenship, demanding compensatory and exemplary damages.

Nominal damages are not seen as an adequate deterrent to repeating such acts in a similar vein, and compensatory damages do not fully address the injury to public confidence and disregard for established laws, including the Fourteenth Amendment. Damage to society is punitive because it demonstrates a need for justice beyond injury to the Plaintiff. FTCA awards are generally only compensatory and for non-constitutional violations, making the FCTA not completely adequate

for statutory remedy, although courts have concluded that constitutional torts are not exempt from being actionable under the FTCA.³

AMENDED REMEDIES

As a result of the Embassy's inaccurate claim of illegitimation and erroneous application of the law with negligent disregard of the evidence of citizenship resulting in deprivation of rights, privileges, and immunities secured by the Constitution and laws, the following remedies are sought:

- 1- Injunction to issue U.S. passport in favor of the Plaintiff;
- 2- \$402 USD compensation for Plaintiff's legal fees (**see amendment 4**); and

³ The District of Columbia Court of Appeals has suggested that the Federal Tort Claims Act (FTCA), following its amendment in 1974, 'waives sovereign immunity for all constitutional tort claims.' Other courts have concluded that constitutional torts are not excepted from and are therefore actionable under the FTCA. See *Founding Church of Scientology v. Director, FBI*, 459 F. Supp. 748 (D.D.C. 1978); *Avery v. United States*, 434 F. Supp. 937, 945-46 (D. Conn. 1977). But see *Birnbaum v. United States*, 588 F.2d 319, 327 (2d Cir. 1978) (constitutional torts outside FTCA), rev'g 436 F. Supp. 967 (E.D.N.Y. 1977). *Boger, Gitenstein & Verkuil, The Federal Tort Claims Act Intentional Torts Amendment: An Interpretative Analysis*, 54 N.C. L. REV. 497, 500-05 (1976).

3- Exemplary and punitive damages awarded at the Court's discretion amounting to an average of 5 recent civil rights violation cases referenced (CIVIL RIGHTS VIOLATIONS CASE RESULTS <https://www.gbw.law/news-press/case-results/civil-rights-violation-cases/>), 25% of which is considered for denial of rights without significant injury or death, and that other viable countries may also afford overlapping rights, equaling \$2,377,500 USD.

The Bivens claim awarded \$90k for a single Fourth Amendment rights violation. In considering of the denial of rights afforded by or derived from all 27 Amendments, this implies possible damages of \$2,430,000 which is in line with the \$2,377,500 claimed by the Plaintiff in the previously amended filing as an average of recent rights violation awards subtracting reasonable consideration for no evident physical injury.

Reasoning for this fractional damage award without evident injury is related to the irreversible impact on the individual Plaintiff and society. Some physical injuries are permanent, and damages from denied rights may also be. Rights decisions are sometimes reversible, such as when a prisoner is exonerated, however the resulting damages caused may not be completely reversible, such as the consequence of missing the opportunity to vote in an election, lost wages from inability to work for a U.S. employer, or not being afforded the right to a fair trial.

4- With the admission of counsel for the Defense that the amended damages are related to personal injury of the Plaintiff, combined compensatory damages are demanded consisting of the punitive equivalent (\$2,377,500) plus \$402 USD for the Plaintiff's filing fee equaling compensatory damages totaling \$2,377,902 USD.

The demanded remedies further amended from Document 9-1 filed with the Court are not intended to valuate the rights which were denied, but rather to compensate the Plaintiff and provide incentive for abiding by the rule of law, preventing future discreditable conduct from the parties involved.

I declare under penalty of perjury that the foregoing is true and correct.

Plaintiff: Allan Douglas Wilson



_____, Date: 07/10/2023

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALLAN DOUGLAS WILSON,)
)
Plaintiff,)
)
v.)
)
U.S. DEPARTMENT OF STATE, U.S.)
EMBASSY PHILIPPINES,)
)
Defendants.)
)
)
)
_____)

Civil Case No. 1:23-cv-00216-CJN

**DEFENDANTS' MOTION TO DISMISS UNDER FED. R. CIV. P. 12(b)(1) AND
FED. R. CIV. P. 12(b)(6)**

TABLE OF CONTENTS

BACKGROUND3

THE COMPLAINT3

LEGAL STANDARDS6

 I. Subject Matter Jurisdiction.....6

 II. Failure to State a Claim7

ARGUMENT8

 I. The Court Should Dismiss as Moot Plaintiff’s Claims Seeking Injunctive Relief8

 II. The Court Should Dismiss Plaintiff’s FISA-Related Claims9

 A. The Court Lacks Jurisdiction Over Plaintiff’s Patently Insubstantial FISA Claims10

 B. Regardless, Plaintiff Lacks Standing to Claim Constitutional Harm under FISA13

 C. Plaintiff Fails to State a Claim for Money Damages Under FISA (18 U.S.C. § 2712).....14

 III. The Court Should Dismiss Plaintiff’s Statutory Civil Rights Claims16

 IV. The Court Should Dismiss Plaintiff’s Claims Under Bivens and the FTCA17

 V. There is No Basis for an Award of Punitive Damages or Legal Fees.20

CONCLUSION.....21

TABLE OF AUTHORITIES

Cases

<i>Achagzai v. Broad. Bd. of Governors</i> , 109 F. Supp. 3d 67 (D.D.C. 2015).....	19, 20
<i>Ali v. Federal Bureau of Prisons</i> , 552 U.S. 214 (2008).....	19
<i>Alvarez v. Smith</i> , 558 U.S. 87 (2009).....	8, 9
<i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009).....	7, 8, 11, 14
<i>Atherton v. District of Columbia Office of Mayor</i> , 567 F.3d 672 (D.C. Cir. 2009).....	8
<i>Bae v. Wynn</i> , Civ. A., No. 2:14-cv-00150 (RFB) (NJK), 2015 U.S. Dist. LEXIS 42875 (D. Nev. Mar. 31, 2015).....	15
<i>Bell Atl. Corp. v. Twombly</i> , 550 U.S. 544 (2007).....	7, 12
<i>Best v. Kelly</i> , 39 F.3d 328 (D.C. Cir. 1994).....	10
<i>Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics</i> , 403 U.S. 388 (1971).....	17
<i>Bonifacio v. United States</i> , No. 16-cv-8379 (AJN), 2020 WL 5801475, at *3 (S.D.N.Y. Sept. 28, 2020)	10
<i>Brandenburg v. Blinken</i> , Civ. A., No. 22-2120 (BAH), 2023 U.S. Dist. LEXIS 119351 (D.D.C. July 11, 2023)	15
<i>Browning v. Clinton</i> , 292 F.3d 235 (D.C. Cir. 2002).....	7
<i>Carlson v. Green</i> , 446 U.S. 14 (1980).....	18
<i>Carmichael v. Blinken</i> , Civ. A., No. 19-2316 (RC), 2023 U.S. Dist. LEXIS 46645 (D.D.C. Mar. 20, 2023)	9-10
<i>Chien v. United States</i> , No. 17-2334 (CKK), 2019 WL 4602119, at *12 (D.D.C. Sept. 23, 2019).....	20

Church of Scientology v. United States,
506 U.S. 9 (1992)..... 8

Clapper v. Amnesty Int’l USA,
568 U.S. 398 (2013)..... 11, 13

Cok v. Cosentino,
876 F.2d 1 (1st Cir. 1989)..... 16

Corr. Servs. Corp. v. Malesko,
534 U.S. 61 (2001)..... 17

Crosby v. Catret,
308 F.App'x 453 (D.C. Cir. 2009) 16

Ctr. for Biological Diversity v. United States DOI,
381, 696 F.3d 1 (2012)..... 21

Davis v. Passman,
442 U.S. 228 (1979)..... 18

Demissie v. Starbucks Corporate Office & Headquarters,
19 F. Supp. 3d 321 (D.D.C. 2014) 7

District of Columbia v. Carter,
409 U.S. 418 (1973)..... 16

Dulles v. Nathan,
225 F.2d 29 (D.C. Cir. 1955)..... 8-9

FDIC v. Meyer,
510 U.S. 471 (1994)..... 18

Fedorenko v. United States,
449 U.S. 490 (1981)..... 3

Food & Water Watch, Inc. v. Vilsack,
808 F.3d 905 (D.C. Cir. 2015) 8

GAF Corp. v. United States,
818 F.2d 901 (D.C. Cir. 1987)..... 14

Gen. Motors Corp. v. EPA,
363 F.3d 442 (D.C. Cir. 2004) 6

Haase v. Sessions,
835 F.2d 902 (D.C. Cir. 1987)..... 6, 7

Hagans v. Lavine,
415 U.S. 528 (1974)..... 10

Haines v. Kerner,
404 U.S. 519 (1972)..... 8

Henry v. Albuquerque Police Dep't.,
49 F. App'x 272 (10th Cir. 2002)..... 16

Hizam v. Kerry,
747 F.3d 102 (2d Cir. 2014)..... 3

Hohri v. United States,
782 F.2d 227 (D.C. Cir. 1986)..... 17

Johnson v. Chase Manhattan Mortg. Corp., Civ. A.,
No. 04-344 (EGS), 2006 U.S. Dist. LEXIS 60760 (D.D.C. Aug. 28, 2006)..... 20

Johnson v. Veterans Affairs Med. Ctr.,
133 F. Supp. 3d 10 (D.D.C. 2015)..... 19

Kauffman v. Anglo-Am. Sch. of Sofia,
28 F.3d 1223 (D.C. Cir. 1994)..... 17

Kokkonen v. Guardian Life Ins. Co. of Am.,
511 U.S. 375 (1994)..... 6

Koutny v. Martin,
530 F. Supp. 2d 84 18

Larsen v. U.S. Navy,
525 F.3d 1 (D.C. Cir. 2008)..... 8

Lee v. United States Agency for Int'l Dev.,
859 F.3d 74 (D.C. Cir. 2017)..... 16

Lewis v. Bayh,
577 F. Supp. 2d 47 (D.D.C. 2008)..... 10

Lewis v. Clarke,
581 U.S. 155 (2017)..... 17

Lewis v. Continental Bank Corp.,
494 U.S. 472 (1990)..... 8

Lujan v. Defs. of Wildlife,
504 U.S. 555 (1992)..... 6, 13

Macharia v. United States,
238 F. Supp. 2d 13 (D.D.C. 2002) 6

Miller v. Albright,
523 U.S. 420 (1998)..... 3

NetworkIP, LLC v. FCC,
548 F.3d 116 (D.C. Cir. 2008) 6

Omran v. Comey, Civ. A.,
No. 16-cv-02171, 2016 U.S. Dist. LEXIS 152616 (D.D.C. Oct. 28, 2016) 17

Project for Priv. & Surveillance Accountability, Inc. v. United States DOJ, Civ. A.,
No. 20-3657 (BAH), 2022 U.S. Dist. LEXIS 170174 (D.D.C. Sep. 19, 2022) 11

Richards v. Duke Univ.,
480 F. Supp. 2d 222 (D.D.C. 2007) 6, 21

Rossmann v. Wichlinski, Civ. A.,
No. 17-00716, 2017 U.S. Dist. LEXIS 63049 (D.D.C. Apr. 11, 2017)..... 11

Roum v. Fenty,
697 F. Supp. 2d 39 (D.D.C. 2010) 12

Ruckelshaus v. Sierra Club,
463 U.S. 680 (1983)..... 21

Sabra v. Pompeo,
453 F. Supp. 3d 291 (D.D.C. 2020) 3

Sanchez-Mercedes v. Bureau of Prisons,
453 F. Supp. 3d 404 (D.D.C. 2020) 19, 20

Schnitzler v. United States,
761 F.3d 33 (D.C. Cir. 2014) 8

Sessions v. Morales-Santana,
582 U.S. 47 (2017)..... 3

Smith v. Clinton,
886 F.3d 122 (D.C. Cir. 2018) 19

Sosa v. Alvarez-Machain,
542 U.S. 692 (2004)..... 20

Sparrow v. United Air Lines, Inc.,
216 F.3d 1111 (D.C. Cir. 2000) 7

<i>Tooley v. Napolitano</i> , 586 F.3d 1006 (D.C. Cir. 2009).....	12
<i>Unimex, Inc. v. HUD</i> , 594 F.2d 1060 (5th Cir. 1979)	17
<i>United States v. Dalm</i> , 494 U.S. 596 (1990).....	19
<i>United States v. Mitchell</i> , 463 U.S. 206 (1983).....	20
<i>United States v. Sherwood</i> , 312 U.S. 584 (1941).....	19
<i>United States v. Wong Kim Ark</i> , 169 U.S. 649 (1898).....	3
<i>Voinche v. Obama</i> , 744 F. Supp. 2d 165 (D.D.C. 2010).....	15
<i>Voinche v. Obama</i> , 428 F. App'x 2 (D.C. Cir. 2011).....	15
<i>Whitacre v. Davey</i> , 890 F.2d 1168 (D.C. Cir. 1989).....	18
<i>Whitman-Walker Clinic, Inc. v. U.S. Dep't of Health & Human Servs.</i> , 485 F. Supp. 3d 1 (D.D.C. 2020).....	15
<i>Ziglar v. Abbasi</i> , 582 U.S. 120 (2017).....	18
Statutes	
5 U.S.C. § 701.....	9
5 U.S.C. § 702.....	15
8 U.S.C. § 1104(a)	3
8 U.S.C. § 1409(a)	3
8 U.S.C. § 1409(a)(4)(A)	3
8 U.S.C. § 1503.....	9
8 U.S.C. § 1503(b)	9

8 U.S.C. § 1503(c) 9

18 U.S.C. § 241 16

18 U.S.C. § 242 18, 21

18 U.S.C. § 1801(f) 12, 14

18 U.S.C. § 1801(k) 14

18 U.S.C. § 2712 14

18 U.S.C. § 2712(a) 14

18 U.S.C. § 2712(b) 14

22 U.S.C. § 211a 3

22 U.S.C. § 2705 3

28 U.S.C. § 1346(b)(1) 19

28 U.S.C. § 1361 9

28 U.S.C. § 2674 20

28 U.S.C. § 2675(a) 19

28 U.S.C. § 2679(a) 19, 20

28 U.S.C. § 2680(k) 19

42 U.S.C. § 1981 16, 17

42 U.S.C. § 1983 17

42 U.S.C. § 1985 16, 17

42 U.S.C. § 1986 16, 17

50 U.S.C. § 1182a 11, 12, 13

50 U.S.C. § 1182k 14

Regulations

22 C.F.R. § 50.2 3

Rules

FED. R. CIV. P. 12(b)(1)..... 2, 6, 7, 8, 10, 12, 15,21

FED. R. CIV. P. 12(b)(6)..... 7, 15, 21

Defendants move under Federal Rule of Civil Procedure (Rule) 12(b)(1) and (6) to dismiss the Complaint for lack of subject matter jurisdiction and failure to state a claim. Plaintiff brings this action against the U.S. Department of State (State Department) challenging the denial of his application for a U.S. passport on non-citizenship grounds and to obtain an order compelling the State Department to issue him a passport. He also contends that he has suffered unspecified civil rights violations, apparently related to the denial of his passport application. Seemingly unrelated, Plaintiff alleges the government has surveilled him for decades under the Foreign Intelligence Surveillance Act (FISA), which has resulted in physical and mental harm to Plaintiff.

The Court should dismiss all claims in this case. The State Department has issued Plaintiff a U.S. passport, thereby rendering moot his request for injunctive relief and the claims upon which that request was predicated. The Court lacks jurisdiction over Plaintiff's FISA claim because it is so patently unsubstantial that it presents no federal question suitable for decision. Further, Plaintiff lacks standing to raise a constitutional challenge to FISA and has failed to state a statutory claim for money damages under FISA. Plaintiff has also failed to state a statutory claim for a violation of his civil rights. And to the extent the government abuses that Plaintiff complains of can be construed as claims under *Bivens* or the Federal Tort Claims Act, they should likewise be dismissed for lack of jurisdiction or failure to state a claim. Lastly, Plaintiff's request for punitive damages—and any relief—should be denied following dismissal of all the underlying claims in this case.

BACKGROUND

The Secretary of State (Secretary) has the sole authority to “grant and issue passports” to U.S. citizens. 22 U.S.C. § 211a; *Sabra v. Pompeo*, 453 F. Supp. 3d 291, 312 (D.D.C. 2020). The Secretary is also authorized to determine the nationality of a person not in the United States. 8 U.S.C. § 1104(a). To that end, a consular officer must determine claims to United States nationality when made by persons abroad when they apply for a passport. *Sabra*, 453 F. Supp. 3d at 299 (citing 22 C.F.R. § 50.2). A passport issued by the Secretary provides proof of U.S. citizenship. *See* 22 U.S.C. § 2705.

There are only two sources of citizenship: “birth and naturalization.” *Miller v. Albright*, 523 U.S. 420, 423 (1998) (citation omitted). “Within the former category, the Fourteenth Amendment of the Constitution guarantees that every person ‘born in the United States, and subject to the jurisdiction thereof, becomes at once a citizen of the United States, and needs no naturalization.’” *Id.* at 423-24 (quoting *United States v. Wong Kim Ark*, 169 U.S. 649, 702 (1898)). “Persons not born in the United States acquire citizenship by birth only as provided by Acts of Congress.”¹ *Id.* at 424. “[T]here must be strict compliance with all congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981).

THE COMPLAINT

Considering Plaintiff’s filings as a whole, Defendants discern the following allegations. Plaintiff was born in 1978. Complaint (Compl.) (ECF 1-1) at 15. Plaintiff claims to be a dual citizen of Canada and the United States. Compl. at 3. He currently

¹ Whether an individual born abroad acquired citizenship at birth is generally governed by the law in effect at the time of his or her birth. *See, e.g., Sessions v. Morales-Santana*, 582 U.S. 47, 53 n.2 (2017); *Hizam v. Kerry*, 747 F.3d 102, 105 (2d Cir. 2014).

resides in the Philippines. *Id.* at 1. In September 2021, claiming U.S. citizenship under 8 U.S.C. § 1409(a), Plaintiff applied to the U.S. Consular Agency in Cebu, Philippines for a U.S. passport. *Id.* at 7. State denied the application for Plaintiff's failure to timely submit requested documentation. *Id.* In October 2022, Plaintiff reapplied for a passport at the U.S. Embassy in Philippines. *Id.* On November 9, 2022, a consular officer verbally advised Plaintiff his application had been denied because Plaintiff failed to demonstrate legitimation as required under § 1409(a). *Id.*

On February 16, 2023, Plaintiff filed the instant complaint naming the State Department and the U.S. Embassy in Philippines as defendants. Compl.; *see also* ECF No. 1-2 (naming "U.S. Embassy, Manila"). Plaintiff claims that the State Department erroneously denied his passport application because Plaintiff had established his U.S. citizenship under § 1409(a). Compl. at 7. He asserts that the State Department's denial of his status as a U.S. citizen denied him "all constitutional rights otherwise afforded," invalidated employment applications he had submitted in the United States, and, as discussed next, potentially subjected him to further unlawful government surveillance. *Id.* at 5.

Separately, Plaintiff alleges that for the past two decades he has been the target of unlawful surveillance under § 702 of FISA, which has resulted in unspecified physical harm, damaged social relations, and lost employment opportunities. Compl. at 5; *see also* ECF No. 1-1 at 1-9. In support of his FISA claim, Plaintiff attached a February 20, 2022, letter that he sent to Anita Anand, the Canadian Minister of National Defence, and Marco Mendicino, the Canadian Minister of Public Safety. ECF 1-1 at 1-4, 7-9. In the letter, Plaintiff details his belief that unnamed actors, possibly from the United States, India,

China, and Russia, have used ground and space-based technologies to target him with harmful radio and microwaves and monitor his thoughts and conversations. *See generally id.* Plaintiff also submitted a June 18, 2022, follow-up letter to Minister Anand wherein he claims that from 1985 to 2015 “Western militaries” targeted him from land and space using, among other things, “low-decibel voice harassment” and “mind exposure.” ECF No. 1-1 at 7-9. Plaintiff asserts that at least some portion of the unlawful surveillance he has been subjected to resulted from an unnamed crime he committed in 2000 and later in reaction to unspecified “abuses” he observed while employed by a government agency in 2009. ECF 1-1 at 3. Plaintiff, however, does not connect the purported surveillance abuses to FISA, nor does he ever claim a FISA warrant was ever issued against him.

As relief, Plaintiff requests a court order compelling the State Department to issue him a U.S. passport, an award of \$402 in legal fees, and an unspecified sum of money, including punitive damages, to discourage the State Department from depriving others of their constitutional rights in the future. Compl. at 5-6; *see also* ECF 11.

After filing his complaint, Plaintiff received State’s written denial of his passport application, which was dated January 9, 2023. ECF No. 8-2. On April 12, 2023, Plaintiff filed a supplement to his complaint wherein he reiterated State erred in denying his passport application with the result that Plaintiff suffered a wholesale “deprivation of rights, privileges, and immunities secured by the Constitution and law.” ECF 11; *see also* ECF 22. He also specified his punitive damages claim as \$2,377,500. *Id.* at 2.²

² In addition, Plaintiff submitted 19 pages of his personal medical records from the Royal Ottawa Mental Health Centre. ECF 1-1 at 10-29. Partially redacted, the medical records reveal Plaintiff has suffered from “auditory hallucinations,” *id.* at 10, 13, 16, and “delusions of persecution,” *id.* at 16, for which he has been hospitalized and medicated, *id.* at 11, 15, respectively).

On August 31, 2023, the State Department issued Plaintiff a full-validity U.S. passport, valid until August 30, 2033. See Exhibit (Ex.) A

LEGAL STANDARDS

I. Subject Matter Jurisdiction

Under Rule 12(b)(1), the plaintiff bears the burden of establishing jurisdiction by a preponderance of the evidence. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992). “Federal courts are courts of limited jurisdiction,” and the law presumes “that a cause lies outside this limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *see also Gen. Motors Corp. v. EPA*, 363 F.3d 442, 448 (D.C. Cir. 2004) (“As a court of limited jurisdiction, we begin, and end, with an examination of our jurisdiction.”). A federal court is “forbidden . . . from acting beyond [its] authority.” *NetworkIP, LLC v. FCC*, 548 F.3d 116, 120 (D.C. Cir. 2008). In some instances, a court is required to look beyond the pleadings and to inquire into facts that are pertinent to the determination of whether it has subject matter jurisdiction. *Haase v. Sessions*, 835 F.2d 902, 906 (D.C. Cir. 1987). Such a “factual challenge” attacks the existence of subject matter jurisdiction by looking beyond the pleadings and places the burden on the plaintiff to prove that facts exist that establish a court's jurisdiction. *See Macharia v. United States*, 238 F. Supp. 2d 13, 19-20 (D.D.C. 2002) (internal citation omitted). When a court is reviewing a complaint under factual attack for lack of jurisdiction, “no presumption of truthfulness applies to the factual allegations.” *Richards v. Duke Univ.*, 480 F. Supp. 2d 222, 232 (D.D.C. 2007) (internal citation omitted). By considering documents outside the pleadings when reviewing a motion to dismiss under Rule 12(b)(1), a court does not

convert the motion into one for summary judgment. *Haase*, 835 F.2d at 905.

II. Failure to State a Claim

In evaluating a motion to dismiss under Rule 12(b)(6), the Court must “treat the complaint’s factual allegations as true and must grant plaintiff ‘the benefit of all inferences that can be derived from the facts alleged.’” *Sparrow v. United Air Lines, Inc.*, 216 F.3d 1111, 1113 (D.C. Cir. 2000) (internal citation omitted). To survive a Rule 12(b)(6) motion to dismiss, a complaint “must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially plausible when the pleaded factual content “allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (citing *Twombly*, 550 U.S. at 556). A pleading must offer more than “labels and conclusions” or a “formulaic recitation of the elements of a cause of action,” and “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* (citing *Twombly*, 550 U.S. at 555). In ruling on a motion to dismiss, the Court may consider “not only the facts alleged in the complaint, but also documents attached to or incorporated by reference in the complaint and documents attached to a motion to dismiss for which no party contests authenticity.” *Demissie v. Starbucks Corporate Office & Headquarters*, 19 F. Supp. 3d 321, 324 (D.D.C. 2014). In evaluating a motion to dismiss under either Rule 12(b)(1) or 12(b)(6), the Court need not accept inferences drawn by the plaintiff if those inferences are unsupported by facts alleged in the complaint, nor must the Court accept plaintiff’s legal conclusions. *Browning v. Clinton*, 292 F.3d 235, 242 (D.C. Cir. 2002) (Rule 12(b)(6) case);

Food & Water Watch, Inc. v. Vilsack, 808 F.3d 905, 913 (D.C. Cir. 2015) (Rule 12(b)(1) case).

Lastly, in cases brought by a *pro se* plaintiff, the court must “consider his filings as a whole before dismissing a complaint,” *Schnitzler v. United States*, 761 F.3d 33, 38, 411 (D.C. Cir. 2014) (internal citation omitted). Such complaints are held “to less stringent standards than formal pleadings drafted by lawyers.” *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Nevertheless, “even a *pro se* complainant must plead ‘factual matter’ that permits the court to infer ‘more than the mere possibility of misconduct.’” *Atherton v. District of Columbia Office of Mayor*, 567 F.3d 672, 681-82 (D.C. Cir. 2009) (quoting *Iqbal*, 556 U.S. at 679).

ARGUMENT

The Court should dismiss Plaintiff’s case in its entirety.

I. The Court Should Dismiss as Moot Plaintiff’s Claims Seeking Injunctive Relief

While Plaintiff’s complaint does not specify a particular claim under which he predicates his request for an injunction compelling the State Department to issue him a U.S. passport, any such claim—and the request for injunctive relief—is moot because the State Department has issued Plaintiff a U.S. passport. “Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies.” *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). “An ‘actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.’” *Alvarez v. Smith*, 558 U.S. 87, 92 (2009). Federal courts have no authority to give an opinion on a question that is moot as a result of events that occur during the pendency of the action. *See Church of Scientology v. United States*, 506 U.S. 9, 12 (1992); *see also Larsen v. U.S. Navy*, 525 F.3d

1, 4 (D.C. Cir. 2008). While Plaintiff’s complaint does not specify a particular claim under which he predicates his request for an injunction compelling the State Department to issue him a U.S. passport, any such claim—and the request for injunctive relief—is moot because the State Department has issued Plaintiff a U.S. passport. “Federal courts lack jurisdiction to decide moot cases because their constitutional authority extends only to actual cases or controversies.” “An ‘actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.’” *Alvarez v. Smith*, 558 U.S. 87, 92 (2009). Federal courts have no authority to give an opinion on a question that is moot as a result of events that occur during the pendency of the action. *See Church of Scientology v. United States*, 506 U.S. 9, 12 (1992).

Here, the State Department’s issuance of a U.S. passport to Plaintiff has rendered moot his request for injunctive relief as well as any claim under which such relief was predicated, whether it was the Mandamus Act (28 U.S.C. § 1361), the Administrative Procedure Act (5 U.S.C. § 701, *et seq.*), or some other statute.³ *See, e.g., Dulles v. Nathan*, 225 F.2d 29, 31 (D.C. Cir. 1955) (dismissing as moot a case challenging a passport denial, after State issued the passport); *Carmichael v. Blinken*, Civ. A. No. 19-

³ Notably, 8 U.S.C. § 1503 provides a remedy for anyone who is denied a “right or privilege” by the federal government on “the ground that he is not a national of the United States.” Even if any claim under § 1503 were not mooted, however, Plaintiff would not be entitled to rely on that provision in this case to claim he was erroneously denied a passport. A party not within the United States, like Plaintiff, who seeks a remedy under § 1503 to first apply for a “certificate of identity” to travel to a port of entry in the United States to apply for admission. *See* 8 U.S.C. § 1503(b). If the Attorney General determines that the person is not a U.S. citizen and therefore “not entitled to admission,” admissible, the exclusive recourse is to seek judicial review of the Attorney General’s determination by filing a petition for writ of habeas corpus. *Id.* § 1503(c). Here, Plaintiff has neither indicated he applied for a certificate of identity as required, nor made a claim to habeas relief.

2316 (RC), 2023 WL 2571721, at *2 (D.D.C. Mar. 20, 2023) (issuance of passport after commencement of suit moots request for equitable relief because “intervening events [have made] it impossible to grant the prevailing party effective relief” (internal quotation and citation omitted)); *Bonifacio v. United States*, No. 16-cv-8379 (AJN), 2020 WL 5801475, at *3 (S.D.N.Y. Sept. 28, 2020) (dismissing as moot plaintiff’s request for mandamus and injunctive relief compelling issuance of a passport where the State Department issued him a passport during the pendency of the case). Because Plaintiff has been issued a U.S. passport, and thus received the precise relief he sought, the Court lacks jurisdiction over his request for injunctive relief and the claims upon which such relief was predicated.

II. The Court Should Dismiss Plaintiff’s FISA-Related Claims

A. The Court Lacks Jurisdiction Over Plaintiff’s Patently Insubstantial FISA Claims

To the extent that Plaintiff asserts a claim that he has been subjected to decades of unlawful surveillance by one or more nation and injured accordingly, the Court also lacks jurisdiction over such claim. Federal courts are “without power to entertain claims otherwise within their jurisdiction if they are so attenuated and unsubstantial as to be absolutely devoid of merit.” *Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974) (internal quotation marks and citation omitted). Dismissal is appropriate under Rule 12(b)(1) when a complaint is so “patently unsubstantial” that it presents no federal question suitable for decision.” *Lewis v. Bayh*, 577 F. Supp. 2d 47, 54 (D.D.C. 2008) (quoting *Hagans*, 415 U.S. at 536-37). Under this standard a claim cannot simply be “doubtful or questionable—[it] must be essentially fictitious.” *Best v. Kelly*, 39 F.3d 328, 330 (D.C. Cir. 1994) (citing *Hagans*, 415 U.S. at 537) (internal quotations omitted). Claims that advance “bizarre

conspiracy theories” may properly be considered patently insubstantial and therefore outside the Court’s jurisdiction. *Best*, 39 F.3d at 330.

Plaintiff’s claim of pervasive decades-long surveillance under FISA is just such a bizarre conspiracy theory and should be dismissed. Section 702 of FISA, 50 U.S.C. § 1881a, permits the Attorney General and the Director of National Intelligence to acquire foreign intelligence information by jointly authorizing the surveillance of individuals who are not “United States persons” and are reasonably believed to be located outside the United States. This provision was not created until 2008. *See Project for Priv. & Surveillance Accountability, Inc. v. United States DOJ*, Civ. A. No. 20-3657 (BAH), 2022 WL 4365745, at *3 n.3 (D.D.C. Sep. 19, 2022). Alleging that he has been the target of persistent FISA surveillance for over two decades, however, Plaintiff advances a narrative of international government persecution that is not credible. In this regard, Plaintiff claims “Western militaries” have subjected him to systemic and persistent targeted surveillance over a period of decades using radio and microwaves that interfered with his thought patterns. ECF 1-1 at 7-9. He further claims without basis Canada is complicit with foreign nations that have used land and space-based technologies to subject him to these harmful surveillance techniques. *See id.* at 1-3.

These claims are spurious. First, Plaintiff does not connect his allegations to the only two named Defendants in this case—the Department of State and U.S. Embassy Philippines. *See Rossman v. Wichlinski*, Civ. A. No. 17-00716, 2017 U.S. Dist. LEXIS 63049, at *2 (D.D.C. Apr. 11, 2017) (dismissing complaint because plaintiff failed to put forth “factual allegations connecting the named defendants to the [] losses plaintiff claims to have sustained”) (citing *Iqbal*, 556 U.S. at 678) (internal citation omitted). That is

unsurprising: FISA provides the Attorney General and Director of National Intelligence (not the Secretary of State) with legal authorization for use of surveillance tools for “foreign intelligence purposes.” *See* 50 U.S.C. § 1881a; *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 402 (2013). Second, Plaintiff provides no plausible reason why any government would surveil him, other than a passing reference to a crime he committed in 2000 and an “abuse” he observed as a government employee in 2009. *See* ECF 1-1 at 3; *see also Twombly*, 550 U.S. at 556 (A claim is facially plausible when the pleaded factual content “allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”). Many of his allegations arise after FISA Section 702 was enacted in 2008. Third, Plaintiff alleges damaging methods of “surveillance,” *e.g.*, pulsed radio and microwaves, that far exceed what FISA authorizes. *See* 18 U.S.C. § 1801(f) (defining “electronic surveillance” as the acquisition of wire or radio communications, or the installation of a surveillance device to monitor and acquire information). Plaintiff’s claims, therefore, are so attenuated and implausible as to be “devoid of merit.” *Hagan*, 415 U.S. at 536-37.

Courts in this circuit have regularly dismissed conspiratorial claims based on alleged unlawful FISA surveillance. *See, e.g., Roum v. Fenty*, 697 F. Supp. 2d 39, 42-3 (D.D.C. 2010) (dismissing FISA, Patriot Act, and First Amendment claims under Fed. R. Civ. P. 12(b)(1) where plaintiff alleged FISA surveillance “over a period spanning more than ten years” and observing plaintiff’s claims were predicated on a “vast and ongoing conspiracy . . . involving numerous federal and local agencies and officers,” which required the Court to imagine a government conspiracy of great “extent and sophistication[,]” which simply “strains credulity”); *see also Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir.

2009) (listing “surveillance and harassment” cases dismissed “for patent insubstantiality” and affirming trial court’s dismissal of complaint alleging a “massive” seven-year government surveillance plot in retribution for plaintiff’s political views, involving wiretaps, tracking devices, and law enforcement shadowing). In line with these cases, and in light of the highly implausible narrative he advances, which is untethered to the only named defendants, the Court should dismiss Plaintiff’s FISA claim as patently insubstantial. *Lewis*, 577 F. Supp. 2d at 54.

B. Regardless, Plaintiff Lacks Standing to Claim Constitutional Harm under FISA

Regardless of whether the allegations present a federal question suitable for decision, Plaintiff lacks standing to raise a constitutional challenge to FISA. He fails to establish standing because his complained of injuries are not “fairly traceable” to the State Department (including U.S. Embassy Philippines), the only named defendants. *See Lujan*, 504 U.S. at 560-61 (to establish Article III standing, a plaintiff must show “the injury is “fairly traceable” to the challenged action of the defendant”). FISA, again, provides no authority for the Department of State to authorize foreign surveillance. *See* 50 U.S.C. § 1881a; *Clapper*, 568 U.S. at 402. Here, Plaintiff never implicates the State Department in the alleged unlawful surveillance that underlies his allegations. Nor does he provide a factual basis for the Court to infer that the State Department has somehow supplanted the Attorney General and Director of National Intelligence in the execution of surveillance under FISA. Moreover, to satisfy standing in this case, Plaintiff must show his injuries can be fairly traced not only to the State Department but also to the misuse of the surveillance authority under § 702 of FISA. But Plaintiff can only speculate as to whether any supposed surveillance was done under § 702 of FISA as opposed to any another government

surveillance program employed by the United States (or at all). In another challenge to surveillance under FISA, the Supreme Court found the same deficiency defeated standing. *See Clapper*, 568 U.S. at 412-13 (finding that because plaintiffs could “only speculate as to whether any (asserted) interception would be under § 1881a or some other authority, they cannot satisfy the “fairly traceable” requirement and noting “[t]he Government has numerous other methods of conducting surveillance, none of which is challenged here”). For the above reasons, Plaintiff lacks standing to raise a constitutional challenge to FISA even if he was targeted for surveillance under that statute.

C. Plaintiff Fails to State a Claim for Money Damages Under FISA (18 U.S.C. § 2712)

Even if Plaintiff could overcome the jurisdictional defects discussed above, which he cannot, he has failed to plead a FISA claim for money damages. Congress provided in 18 U.S.C. § 2712 that “any person who is aggrieved by any willful violation” of certain sections of FISA may bring an action for money damages in the U.S. District Court. 18 U.S.C. § 2712(a). The FISA statute defines an “aggrieved person” as “a person who is the target of an electronic surveillance or any other person whose communications or activities were subject to electronic surveillance.” 50 U.S.C. § 1801(k); *see also* 18 U.S.C. § 1801(f). Initially, to the extent Plaintiff may be attempting to invoke 18 U.S.C. § 2712 to pursue money damages, he has failed to exhaust his administrative remedies. Section 2712(b) requires that “[a]ny action against the United States under [FISA] may be commenced only after a claim is presented to the appropriate department or agency under the procedures of the [Federal Tort Claims Act],” 18 U.S.C. § 2712(b), and this exhaustion requirement is “a mandatory prerequisite” to filing suit. *See GAF Corp. v. United States*, 818 F.2d 901, 904-

05 (D.C. Cir. 1987); *see also Voinche v. Obama*, 744 F. Supp. 2d 165, 174 (D.D.C. 2010) (dismissing FISA claims for failure to exhaust administrative remedies), *aff'd*, 428 F. App'x 2 (D.C. Cir. 2011). Plaintiff does not suggest he has presented his FISA claim to the State Department or any other U.S. agency. On this basis, the Court lacks jurisdiction over any intended claims for money damages under FISA.

Additionally, as demonstrated above, Plaintiff fails to put forward any facts to enable the Court to reasonably infer that the State Department has committed unlawful electronic surveillance. To the extent Plaintiff identifies himself as a target of surveillance, his allegations are purely conclusory. Thus, even viewing the complaint in the light most favorable to him, Plaintiff fails to state a claim under the *Iqbal* standard. 556 U.S. at 679; *see Bae v. Wynn*, Civ. A. No. 2:14-cv-00150 (RFB) (NJK), 2015 WL 1470654, at *3 (D. Nev. Mar. 31, 2015) (Plaintiff's complaints that his "privacy felt compromised and that he is experiencing signs of being under . . . surveillance[,] are not specific enough to lead to an inference that Defendants are liable."). Because alleging the "mere possibility of misconduct" is necessarily insufficient, the Court should likewise dismiss any FISA claim for money damages under Rule 12(b)(6). *See Iqbal*, 556 U.S. at 679.⁴

⁴ To the extent Plaintiffs seeks money damages under the APA, it is not allowed. *See* 5 U.S.C. § 702 (waiving sovereign immunity only for claims "seeking relief other than money damages"); *see also Brandenburg v. Blinken*, Civ. A. No. 22-2120 (BAH), 2023 WL 4450139, at *6 (D.D.C. July 11, 2023) (dismissing APA claim for money damages under Rule 12(b)(1), citing 5 U.S.C. § 702); *Whitman-Walker Clinic, Inc. v. U.S. Dep't of Health & Human Servs.*, 485 F. Supp. 3d 1, 59 (D.D.C. 2020) (explaining that "injuries are unrecoverable because the present suit arises under the APA, which does not allow for money damages").

III. The Court Should Dismiss Plaintiff's Statutory Civil Rights Claims

Plaintiff appears to argue that he suffered a civil rights violation, though his complaint and other filings fail to provide sufficient allegations to make out any such claim (or to even understand the basis for such a claim). Plaintiff cites a single statute related to civil rights violations, 18 U.S.C. § 242, *see* ECF 1 at 7, but that is a federal criminal statute. “The Supreme Court has ‘rarely implied a private right of action under a criminal statute,’ and “a ‘bare criminal statute,’ with no other statutory basis for inferring that a civil cause of action exists, is insufficient to imply Congress intended to create a concomitant civil remedy.” *Lee v. United States Agency for Int’l Dev.*, 859 F.3d 74, 77 (D.C. Cir. 2017). It is settled that 18 U.S.C. § 242 does not create a private right of action. *See Crosby v. Catret*, 308 F. App’x 453 (D.C. Cir. 2009) (per curiam) (“The district court properly rejected appellant’s attempt to invoke 18 U.S.C. § 241 and 18 U.S.C. § 242 to initiate a prosecution against the named defendants because there is no private right of action under these criminal statutes.”); *see also, e.g., Henry v. Albuquerque Police Dep’t*, 49 F. App’x 272, 273 (10th Cir. 2002) (pursuant to “settled law,” sections 241 and 242, “like other such statutes, do not provide for a private civil cause of action”); *Cok v. Cosentino*, 876 F.2d 1, 2 (1st Cir. 1989) (“Only the United States as prosecutor can bring a complaint under 18 U.S.C. §§ 241–242 These statutes do not give rise to a civil action for damages.”).

Even if the Court were to liberally construe Plaintiff’s complaint as instead asserting a claim under 42 U.S.C. § 1983, that claim would also fail. That section does not apply to the federal government or its officers, and “deals only with those deprivations of rights that are accomplished under the color of the law of ‘any State or Territory.’ It does not reach . . . actions of the Federal Government.” *District of Columbia v. Carter*, 409 U.S.

418, 424 (1973). Similarly, any such claim under 42 U.S.C. §§ 1981, 1985, or 1986 would likewise fail for the same reason. *See Hohri v. United States*, 782 F.2d 227, 245 n.43 (D.C. Cir. 1986) (§§ 1981, 1985, and 1986 “by their terms, do not apply to actions against the United States”), *vacated on other grounds*, 482 U.S. 64 (1987); *Unimex, Inc. v. HUD*, 594 F.2d 1060, 1061 (5th Cir. 1979) (sovereign immunity not waived under the civil rights statutes, §§ 1981, 1983, 1985, and 1986). Consequently, Plaintiff has failed to state a claim for a civil rights violation.

IV. The Court Should Dismiss Plaintiff’s Claims Under Bivens and the FTCA

To the extent the government abuses Plaintiff complains of can be construed as claims under *Bivens* or the Federal Tort Claims Act (FTCA), they likewise fail. First, Plaintiff fails to state a claim to relief under *Bivens*. In *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, the Supreme Court held that federal agents acting under color of federal authority who commit an unconstitutional search or seizure could be held liable as *individuals* for money damages. 403 U.S. 388, 397 (1971). “The purpose of *Bivens* is to deter individual federal officers from committing constitutional violations.” *Corr. Servs. Corp. v. Malesko*, 534 U.S. 61, 70 (2001). To state a *Bivens* claim, “a plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.” *Id.*; *Omran v. Comey*, Civ. A. No. 16-cv-02171, 2016 U.S. Dist. LEXIS 152616, at *2-3 (D.D.C. Oct. 28, 2016); *Lewis v. Clarke*, 581 U.S. 155, 162 (2017) (“In an official-capacity claim, the relief sought is only nominally against the official and in fact is against the official’s office and thus the sovereign itself. Therefore, [d]efendants in an official-capacity action may assert sovereign immunity.”); *see also Kauffman v. Anglo-Am. Sch. of Sofia*, 28 F.3d 1223, 1226 (D.C. Cir.

1994) (“*Bivens* liability does not run against a federal agency, but only against individual federal agents.”) (citing *FDIC v. Meyer*, 510 U.S. 471 (1994)). Notably, the D.C. Circuit has “supplanted the liberal pleading requirements of the Federal Rules with a heightened pleading standard whenever a plaintiff in a *Bivens* claim alleges an unconstitutional motive” because “substantial costs attend the litigation of the subjective good faith of government officials[.]” *Koutny v. Martin*, 530 F. Supp. 2d 84, 89 (D.D.C. 2007 (citing *Whitacre v. Davey*, 890 F.2d 1168, 1171 (D.C. Cir. 1989)). Here, Plaintiff fails to name an individual defendant associated with his allegations of unlawful surveillance under FISA, much less establish that an individual defendant personally or directly participated in the alleged wrongdoing. He has named only the Department of State and the Embassy in Manila. Because they are not individuals sued in their personal capacities, these Defendants have sovereign immunity against *Bivens* claims. Under these circumstances, no *Bivens* claim has been stated.⁵

The Court is also without jurisdiction to review Plaintiff’s claims under the FTCA. “Under settled principles of sovereign immunity, the United States, as sovereign, is

⁵ Any *Bivens* claim would also fail because Plaintiff cannot plausibly allege—much less state a claim for—a constitutional violation that is actionable under controlling precedent. *See, e.g., Ziglar v. Abbasi*, 582 U.S. 120 (2017). *Abbasi* confirms that the continued expansion of *Bivens* to “any new context or new category of defendants” is a “disfavored judicial activity,” as Congress is “better position[ed]” than the judiciary “to consider if the public interest would be served by imposing a new substantive legal liability.” *Id.* at 136 (quotation marks omitted). Indeed, apart from *Bivens* itself—which arose out of a Fourth Amendment violation involving a warrantless search and arrest—the Supreme Court has recognized a *Bivens* action only in two other circumstances: (1) to redress an equal-protection violation involving discrimination in congressional-staff employment, *Davis v. Passman*, 442 U.S. 228 (1979); and (2) to address an Eighth Amendment violation involving failure to treat an inmate’s asthma that resulted in his death, *Carlson v. Green*, 446 U.S. 14 (1980). While the contours of Plaintiff’s *Bivens* claim are not entirely clear, his claim unquestionably arises in a wholly new context.

immune from suit, save as it consents to be sued . . . and the terms of its consent to be sued in any court define that court’s jurisdiction to entertain the suit.” *United States v. Dalm*, 494 U.S. 596, 609 (1990) (internal quotations and citations omitted). If the United States has not waived its sovereign immunity, or if the conditions under which the United States has agreed to waive its immunity have not been met, federal subject-matter jurisdiction does not exist. *See United States v. Sherwood*, 312 U.S. 584, 586-87 (1941). The FTCA contains an express but limited waiver of the United States’ sovereign immunity for claims arising out of certain torts committed by federal employees. *See Ali v. Federal Bureau of Prisons*, 552 U.S. 214, 218 (2008); *see also* 28 U.S.C. § 1346(b)(1).

Plaintiff, however, has failed to satisfy the conditions under which the United States has agreed to waive its sovereign immunity under the FTCA. First, “[t]he only proper defendant for an FTCA claim is the United States.” *Sanchez-Mercedes v. Bureau of Prisons*, 453 F. Supp. 3d 404, 415 (D.D.C. 2020); 28 U.S.C. § 2679(a). Thus, “[e]ven if a federal agency may sue and be sued in its own name, FTCA claims against that federal agency are barred. . . . Failure to name the United States as the defendant in an FTCA action requires dismissal for lack of subject-matter jurisdiction.” *Johnson v. Veterans Affairs Med. Ctr.*, 133 F. Supp. 3d 10, 17 (D.D.C. 2015) (internal citations omitted). Second, failure to exhaust administrative remedies under the FTCA is a jurisdictional defect. *Smith v. Clinton*, 886 F.3d 122, 127 (D.C. Cir. 2018) (per curiam). In accordance with the FTCA, a claimant must have “first presented the claim to the appropriate Federal agency.” 28 U.S.C. § 2675(a). A jurisdictionally adequate presentment is “one which provides to the appropriate agency (1) a written statement sufficiently describing the injury to enable the agency to begin its own investigation, and (2) a sum-certain damages claim.” *Achagzai v.*

Broad. Bd. of Governors, 109 F. Supp. 3d 67, 69-70 (D.D.C. 2015) (internal citation and quotation omitted). And third, the FTCA’s foreign country exception prohibits claims based on injuries suffered in a foreign country. 28 U.S.C. § 2680(k). *See Sosa v. Alvarez-Machain*, 542 U.S. 692, 712 (2004) (foreign-country exception “bars all claims based on any injury suffered in a foreign country, regardless of where the tortious act or omission occurred”).

Here, the Court lacks jurisdiction over the complaint to the extent Plaintiff attempts to raise an FTCA claim. Plaintiff does not name the United States as a defendant. *See Sanchez-Mercedes*, 453 F. Supp. 3d at 415; 28 U.S.C. § 2679(a). Nor does Plaintiff allege that he has exhausted his administrative remedies by presenting his claim to the State Department before bringing suit. *See Achagzai*, 109 F. Supp. 3d at 69-70. Lastly, Plaintiff is a resident of the Philippines and does not claim to have suffered injury within the United States. *See Compl.* at 1, ECF No. 11; *see also See Sosa*, 542 U.S. at 712.

V. There Is No Basis for an Award of Punitive Damages or Legal Fees

Lastly, Plaintiff’s claim for punitive damages, *Compl.* at 5-6, ECF No. 11 at 2, should be dismissed following dismissal of all the underlying claims in this case. “It is axiomatic that the United States may not be sued without its consent and that the existence of consent is a prerequisite for jurisdiction.” *United States v. Mitchell*, 463 U.S. 206, 212 (1983). For the reasons discussed above, Plaintiff has not successfully pled any cause of action against the State Department. Punitive damages are therefore unavailable to him.⁶

⁶ Punitive damages are also unavailable under the FTCA. *See* 28 U.S.C. § 2674 (“The United States . . . shall not be liable for interest prior to judgment or for punitive damages.”); *see also Chien v. United States*, No. CV 17-2334 (CKK), 2019 WL 4602119, at *12 (D.D.C. Sept. 23, 2019).

See Johnson v. Chase Manhattan Mortg. Corp., Civ. A No. 04-344 (EGS), 2006 WL 2506598, at *4 (D.D.C. Aug. 28, 2006) (“[P]laintiff’s claim for punitive damages fails because punitive damages is a remedy, and there is no underlying cause of action. Accordingly, all of the claims asserted by plaintiff against defendant [] are dismissed.”); *see also Richards v. Duke Univ.*, 480 F. Supp. 2d 222, 242 (D.D.C. 2007) (“Plaintiff’s claim for punitive damages must be dismissed following the dismissal of all the underlying claims in this case.”). The same is true for Plaintiff’s demand for legal fees. *See Ctr. for Biological Diversity v. United States DOI*, 381, 696 F.3d 1, 5 (2012) (government waiver of sovereign immunity required before an award of attorney’s fees can be considered) (citing *Ruckelshaus v. Sierra Club*, 463 U.S. 680, 685 (1983)).

CONCLUSION

For these reasons, Defendants respectfully request the Court to grant Defendants’ motion to dismiss Plaintiff’s case in its entirety, without prejudice under Rule 12(b)(1), or with prejudice under Rule 12(b)(6).

DATED: September 8, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

WILLIAM C. PEACHEY
Director

YAMILETH G. DAVILA
Assistant Director

STEVEN A. PLATT
Senior Litigation Counsel

/s/ Sergio Sarkany
SERGIO SARKANY
U.S. Department of Justice
Civil Division
Office of Immigration Litigation –
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 598-5624
sergio.f.sarkany@usdoj.gov

Counsel for Defendants

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE
DISTRICT OF COLUMBIA**

Allan Douglas Wilson

PLAINTIFF

CIVIL ACTION NO.

23-CV-216-CJN

VS.

Department of State et al

DEFENDANT

MOTION FOR PARTIAL SUMMARY JUDGMENT UNDER FRCP RULE 56

TABLE OF CONTENTS

BACKGROUND 1

FACTS OF CLAIM NOT DISPUTED 2

JURISDICTION 5

FISA 1978 AUTHORIZATION AND TECHNOLOGIES 7

DEFINITION OF SURVEILLANCE 8

DEFAMATION 9

CONCLUSION 10

TABLE OF AUTHORITIES

CASES:

Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971) - Page 3, 10

STATUTES:

Color of Law 18 U.S.C. 242 Page 3, 6

Color of Law 42 U.S.C. Section 1983 Page 3

Federal Tort Claims Act (FTCA) 1946 - Pages 5, 6, 7, 10

Immigration and Nationality Act 301 & 309 - Pages 3, 5, 6

Freedom of Information Act (FOIA) - Page 4

Foreign Intelligence Surveillance Act (FISA) 1978 - Pages 4, 6, 8, 10, 11

FISA Definition (f)(4) of Electronic Surveillance & SEC. 104 - Page 7

USC 1801, section (f)(4) Page 8

RULES

LCvR 7(a), (b) and (c) – Page 1

FRCP Rule 56 – Page 1

FRCP 12(b)(1) – Page 1

In the interest of justice and with no agenda to cause unnecessary delay, the Plaintiff (pro-se) moves for partial summary judgment on the discreet issue of damages as required by LCvR 7(a), (b) and (c). Under FRCP Rule 56, ‘a party may file a motion for summary judgment at any time until 30 days after the close of all discovery’.

BACKGROUND

Defense has filed Motion to Dismiss under FRCP 12(b)(1), and because the defense is seeking to dismiss without a trial on the merits of the pleadings in its motion (ECF Doc 27), it is presumed that all available defenses were raised in the document at the time of its filing.

Plaintiff is requesting summary judgment as a matter of law based on the evident denial of the issuance of a passport, corresponding denial of civil rights and associated damages, with no discovery required as all evidence of the denial has been provided and is unlikely to be disputed.

Counsel for the defense has not provided adequate response to the allegations in the complaint which amounts to a failure to state a defense.

FACTS OF CLAIM NOT DISPUTED

The defense does not dispute the erroneous denial of the only practical proof of citizenship available to the Plaintiff and that this proof is not merely a travel document; a denial that cost the Plaintiff eleven months of being without rights, and the expense of filing a legal complaint.

Defense also does not deny that the issuance of the sole proof of a passport validates the

Plaintiff's claim to citizenship. No further evidence of citizenship was provided after filing the complaint and after the Plaintiff's meeting with an Embassy Officer on October 17, 2022. This leaves the filed complaint as the only evident impetus for the reconsideration of the Plaintiff's application, an impetus that is now purported by the defense as having no legal value. Although the defense has now corrected the grievous error that gave rise to the complaint, there has been no admission of negligence or wrongdoing, nor was any explanation given for the Embassy's denials. Essentially, counsel suggests that although a mistake was corrected, there is no necessity to acknowledge the existence of a mistake. Counsel also does not acknowledge any damages other than unlikely physical harm and that any omissions, errors, or negligent acts committed by the Defendant do not warrant a legal case.

If there are no grounds for a complaint then counsel would perhaps have no issue in having their own citizenship revoked (a concept of eye-for-eye justice originating with the ancient Mesopotamian Empire), nor would any other member of the public. For the complaint to be without merit, Counsel would have to prove that the Department of State intended to issue the passport as of the filing date of the complaint. This would be unlikely given the three documented and undisputed denials (compl 3.C, exhibit Doc 8-1 p.4, Doc 8-2 p.1), evidence that counsel does not acknowledge in its Motion to Dismiss. For counsel to suggest that there are no consequent damages for the denial of rights is lacking in reason and credibility, especially considering the prior admission from the defense that the damages of the passport denial are related to the physical harm suffered from radio waves (Motion to Extend Time to Respond, doc 21, para 2).

The facts of the complaint are clearly stated and are sufficient to demonstrate cause of action for the complaint as evidenced by the Fourteenth Amendment of the Constitution, INA 301&309, Color of Law (18 U.S.C. 242), and precedents for denial of rights complaints which give way to

legal remedy [Color of Law 42 U.S.C. 1983, Federal Tort Claims Act (FTCA) 1946, Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971)].

Contrary to the defense's assertions, the rights that were violated were specified in the amended filings (ECF Doc 9-1, Doc 22, p.7) and constitute a violation of all rights of citizenship. Laws were clearly violated in the Embassy's multiple denials, violations that the defense does not acknowledge in its Motion to Dismiss, and which remain undisputed.

If there appears to be any lack of federal question suitable for decision as counsel states, one may only look at the federal statutes that were violated and the payor of the salaries of foreign service personnel who violated these laws which is in fact the Department of State, a federal agency.

Defense also states that the background exhibits delineating surveillance and physical harm to the Plaintiff are 'seemingly unrelated' to the complaint. This is directly contrary to counsel's own admission (Motion to Extend Time to Respond, doc 21, para 2). Defense statements are contrary to the wording of the complaint which clearly states that the documented history was provided to prove urgency of the demanded injunction to issue proof of citizenship in the form of a passport (ECF Doc 22 p.2 para 1). This is a distinction that has apparently eluded counsel's ability to discern the facts presented in the filing.

There was no claim made under FISA as it was already acknowledged in Notice to Withdraw that any proof of surveillance under the Act would not be viable for reasons of national security and FOIA rules (ECF Doc 16, p2 para4: Background). The legal reference for FISA was cited in the complaint to support the demanded injunction in relation to the Plaintiff's beliefs which necessitated some degree of elucidation to support part of the remedies, and which cannot be

proven or disproven for reasons already cited.

All references to FISA in the defense's Motion to Dismiss are irrelevant considering that the Plaintiff has repeatedly stated in the complaint (compl 4) and amended complaint that the circumstances described in the exhibits (ECF 1-1, pgs 1-29) served only to express urgency of the demanded injunction. Furthermore, in Notice to Withdraw (ECF Doc 16) the Plaintiff stated that this reported urgency was no longer an issue of concern (p.2, para 4).

Counsel is seeking to disprove any facts that would allow legal remedy despite the prior admission by the defense that the damages from civil rights violations are related to personal injury from the physical effects of radio waves suffered by the Plaintiff. This suggests a possible corresponding compensatory remedy when damages from civil rights violations are acknowledged. There are quantifiable consequences to the denial of rights over an approximate one-year period which cannot be denied. In fact, U.S. prisoners had more rights under the law than the Plaintiff during that period.

JURISDICTION

Counsel has alleged that the Plaintiff neglected to file a complaint with the Department of State prior to a lawsuit, negating any claim under FTCA for procedural reasons. The Plaintiff filed a suit after all attempts were made at explaining the Plaintiff's case to Embassy personnel which were only met with repeated denials or denials of omission (ECF Doc 8, ps1-5). The case was also filed in the absence of any alternative recourse or resolution process: at the time of filing, there was no known contact person or office responsible for Embassy complaints of an administrative nature or any public procedure for filing State Department complaints.

The jurisdiction on this matter is clear. The Department of State is ultimately responsible for the

professionally negligent actions of its employees and a federal court is the appropriate jurisdiction. No Bivens claim was made however the precedents of damage award for constitutional tort is parallel, with even greater consideration for the denial of all rights of U.S. citizenship. No FTCA claim was made however the naming of a Government defendant is also common to the Plaintiff's filing, with the implication of the United States Government being responsible where the Department of State, a government agency, is named as a defendant. The United States was not named in the filing as a defendant as the actions of the Department of State and its employees may not always be in the national interest such as actions that are contradictory to the Constitution and rule of law.

According to the Fourteenth Amendment and expanded on further by INA, children born of US parents are subject to the jurisdiction of and considered citizens of the United States, and this citizenship is conferred from the time of birth. Denying an application to recognize this status when all proofs are evident is contrary to these laws. Considering the facts, the U.S. should consent to being sued as a prerequisite for jurisdiction, which would allow the precedent for legal recourse for such a complaint in the future.

Color of Law (18 U.S.C. 242) was cited as applicable to the Plaintiff's complaint, along with related U.S. Constitutional law and violations of INA 301 & 309 (ECF Doc 5 p. 7). This is contrary to defense assertions that the Plaintiff is claiming under Color of Law alone. The fact that these violations are criminal is not lost on the Plaintiff who has also filed a corresponding civil suit.

Although it is not a Bivens or FTCA claim for which there is precise precedent, there are pieces of this claim demonstrated in related decisions: The Government defendant named in FTCA

claims, the damage award for constitutional torts of Bivens cases, and the already abrogated sovereign immunity of states in favor of lawsuits with Constitutional importance. With the undisputed cause for complaint and a valid demand for justice, there should be statutory provision or remedy for the claim in its own right and for which there may be no existing precedent.

Although the defense's references to FISA are irrelevant in terms of a dismissal, there may be consideration for damages related to physical injury. Even when a direct connection with the U.S. Government cannot be proven or disproven, there is enough statutory and anecdotal evidence to suggest the possibility that the U.S. Government and its allies, agencies, personnel, and contractors have the means to inflict harm such as what is suggested in the filed complaint. The vaguely worded statutory means and technical capabilities in relation to the degree of surveillance targeting described cannot be disproven. Although injuries were not sustained within U.S. borders, it can be inferred that the sources of targeting are within U.S. jurisdiction, and that these devices and installations comprise the preponderance of causality in the commission of acts against a target. This would tend to meet jurisdictional requirements of a claim under FTCA.

FISA 1978 AUTHORIZATION AND TECHNOLOGIES

The following facts refute counsel's alleged impossibility of subject foreign surveillance under the Act:

1978 FISA authorizes electronic surveillance of non-U.S. persons under Definition (f)(4) of Electronic Surveillance and SEC. 104 of the Act:

(f)(4) the installation or use of an electronic, mechanical, or other surveillance device in the

United States for monitoring to acquire information, other than from a wire or radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

This definition effectively describes GPS tracking equipment as surveillance devices located in the U.S. and used for tracking and targeting non-U.S. persons internationally. The first satellite navigation system was launched by the U.S. military in the 1960s, while GPS appeared later in 1978.

GPS ground antennas and monitoring stations are located around the world, with the highest concentration of installations existing on U.S. soil.

GPS transmits on a microwave carrier frequency. When modulated with low-hertz frequencies such as those used in subsea communications, the same frequencies as those found in the human brain, elevated EEG levels are produced, the same levels evident in human non-sleep states (published study- PubMed: Effect of low frequency modulated microwave exposure on human EEG: individual sensitivity).

The physical law of resonant frequency allows a signal to be readable with a circuit tuned to that frequency, in this case the circuit is tuned to the EEG or electrical brain activity broken down into frequencies. Tuning a circuit to these frequencies establishes a simplex modality of communication where there is a readable signal. These technologies have already been proven and used for communication among people who have lost the ability to speak, an example of which was developed by Stanford University (ABC7 News, San Francisco, 2023).

Contrary to what the defense states according to USC 1801, section (f)(4) does not reference any requirement for U.S. jurisdiction in the definition of electronic surveillance, nor does it preclude

any of the described active surveillance targeting measures described. Directed energy purposed as communication may not be perceived as exceeding what FISA authorizes, despite not resembling the strictly passive data collection that the defense infers.

DEFINITION OF SURVEILLANCE

Subsequent amendments to FISA like the one mentioned by the defense from 2008 only expanded on and codified vaguely worded authorizations already in place from the 1978 legislation. These amendments however do not go as far as to define the term ‘surveillance’.

Surveillance is commonly known to include active surveillance which goes beyond passive listening and describes interaction with a subject. This interaction may be unwanted or invasive and can constitute a form of assault.

The International Association of Chiefs of Police (IACP) defines Surveillance as the following:

A general term that can be characterized in part by the degree of invasiveness of surveillance tactics and technologies.

It is further defined in a IACP Policy Center Law Enforcement document as: *The continuous or prolonged observation of a targeted individual, group, or organization by clandestine means to gather information...differs from monitoring in that it typically involves the use of more invasive tactics such as electronic monitoring.*

While these facts may not be commonly known or accepted, it is questionable whether an attorney for the defense would have sufficient security clearance to determine the truthfulness of any of the applications or programs or the current state of technologies used by the U.S. and its allies that are suggested by the Plaintiff in the complaint. It can also be questioned whether the

defense has the knowledge and expertise to evaluate any foreign intelligence information that the Plaintiff may possess now or has in the past. If the Plaintiff were to possess such information, then the surveillance described would not be a conspiracy theory as the defense suggests, but rather ‘standard practice’ of security and intelligence organizations.

DEFAMATION

Plaintiff states in his letter to Canadian Minister Anita Anand that anecdotally it was ‘believed that the reason for targeting was suspicion of a crime’. Counsel states that in this correspondence, the Plaintiff admitted to committing an unnamed crime in the year 2000 (doc 27, p13, para1), when there is no evidence of such an admission. This was stated by the defense as fact and constitutes defamation, seeking to harm the reputation of the Plaintiff and forming a pattern of malicious intent:

- 1) a false statement purporting to be fact; 2) publication or communication of that statement to a third person; 3) fault amounting to at least negligence; and 4) damages; or some harm caused to the reputation of the person or entity who is the subject of the statement.

Counsel has also sought to further damage the Plaintiff’s credibility by stating as a matter of fact and record that the Plaintiff suffered ‘delusions of persecution’ (id at 16), when this reference only states the possibility of delusions. This is all in addition to the untrue accusation at the center of the written denial that prompted civil action, which was that the Plaintiff was not legitimated by his father. This accusation has since been proven false considering the ability of the Embassy to issue a passport in favor of the Plaintiff.

CONCLUSION

Counsel is denying the possibility of all damages based on an erroneous reference to FISA and ignoring any damages from Constitutional torts resulting from the denials including lack of protection under U.S. law, denial of voting rights in the last election, and the denied right to legally work in the U.S. for the past year. Counsel is also suggesting that there is no legal remedy for such violations: FTCA claims do not allow injury outside of the U.S., Bivens claims are directed at individual defendants and not Government Agencies, criminal laws do not apply to civil cases, and jurisdiction of the Federal Government does not apply to state laws. Counsel is also citing the sovereign immunity of the Federal Government which would not be voluntarily waived for a legal case with no merit. It is also unlikely that the Plaintiff could have obtained a Certificate of Citizenship with an existing decision by the U.S. Embassy that refuted the Plaintiff's claim to citizenship, also considering the practicality in terms of personal security of travelling to the U.S. considering the perceived extent of Western surveillance targeting. All of these assertions create the situation of no legal remedy or statutory provision for denial of rights by a government agency for any length of time and for any citizen of the United States.

Dismissing the claim based on sovereign immunity alone lacks legal merit as the perception of state power is derived from the powers of its citizens including their inherent rights, and denying those rights is contrary to the national interest.

The Plaintiff is concerned that those in a position of social responsibility would hold views contrary to the national interest. If purported for the greater good this would indicate delusion, and for an attorney to express such dishonesties as misrepresentation of the law risks perjury and in this instance also defamation.

Even with two extensions of time and the satisfaction of the demanded injunction, counsel has

not addressed the substance of the complaint. In response to counsel's irrelevant and erroneous defense of FISA, references to conspiracy theories, defamation of the Plaintiff as a matter of record, ignorance of any wrongdoing by the Defendant, and suggestion of no valid legal recourse for state violation of civil rights, the Plaintiff waives the apparent need for a mental competency evaluation of the counsel for the defense in favor of partial summary judgment on the discreet issue of damages.

"I declare under penalty of perjury that the foregoing is true and correct."

Signed at Cebu City, Philippines.

Plaintiff: Allan Douglas Wilson



_____, Date: 09/11/2023

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE
DISTRICT OF COLUMBIA**

Allan Douglas Wilson

PLAINTIFF

CIVIL ACTION NO.

23-CV-216-CJN

VS.

Department of State et al

DEFENDANT

**PLAINTIFF'S STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, DATED SEPTEMBER 11, 2023**

The following material facts of the Plaintiff's legal filing of case 23-cv-00216-CJN against the specified defendants are known to be undisputed:

- 1 - All U.S. persons derive their citizenship from the Immigration and Nationality Act (INA) and the Fourteenth Amendment of the U.S. Constitution.
- 2 - Plaintiff applied for a U.S. passport under the adult derivative citizenship passport application process at the U.S. Embassy, Manila (compl 3.C).
- 3 - Defense does not deny that proof of citizenship in the form of a passport affirms rights of citizenship.
- 4 - The Plaintiff's claim to citizenship was denied, resulting in the deprivation of rights, privileges, and immunities secured by the Constitution and laws (compl 3.C, exhibit Doc 8-1 p.4, Doc 8-2 p.1).

5 - The Defense does not dispute the denial of Plaintiff's claim to citizenship by the U.S. Embassy, Manila, the proof of which is not merely a travel document. This denial deprived the Plaintiff of all rights of U.S. citizenship.

6 - Plaintiff filed a civil case naming the U.S. Embassy, Manila, and the Department of State as Defendants (ECF Doc 5).

7 - The statutory limitation period on violation of civil rights has not passed.

8 - There was an expense of filing a legal complaint claimed as damages amounting to \$402 (ECF 5: Relief).

9 - Laws were clearly violated in the Embassy's multiple denials (ECF part A Doc 1, p.7).

10 - Denial of all rights of citizenship that constitutes violations were specified in the amended filings (ECF Doc 22, p.7).

11 - The violations described in the initial complaint were under color of law (Immigration and Nationality Act, Ref ECF part A Doc 1, p.7), and some resulting damages are seen to be irreparable like voting in the last election or getting a job in the last year (EDF Doc 22, p.7).

12 - Additional monetary damages were claimed in amended filings totaling \$2,377,902 for compensatory damages and additional punitive damages of \$2,377,500 (ECF Doc 22, p.7).

13 - In counsel's filing: Motion to Extend Time to Respond (ECF doc 21, para 2), counsel admitted that 'Plaintiff seeks monetary damages related to adverse health effects he claims to have suffered from radio waves.'

14 - The Department of State and by extension, the U.S. Government bears some degree of responsibility for professionally negligent and criminal actions of its employees.

15 - A passport has been issued to the Plaintiff, negating the relevance of any prior request for injunctive relief (ECF Exhibit Document 27-1).

16 - Demands for damages further to the prior request for injunctive relief have yet to be ruled on.

"I declare under penalty of perjury that the foregoing is true and correct."

Signed at Cebu City, Philippines.

Plaintiff: Allan Douglas Wilson



_____, Date: 09/11/2023

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALLAN DOUGLAS WILSON,

Plaintiff,

– versus –

U.S. DEPARTMENT OF STATE, *et al.*,

Defendants.

Case No. 1:23-cv-00216-CJN

**MOTION TO EXTEND DEFENDANTS’ TIME TO FILE REPLY IN SUPPORT OF
MOTION TO DISMISS**

Defendants move pursuant to Federal Rule of Civil Procedure 6(b)(1) and this Court’s Standing Order (ECF No. 3) for a seven-day extension of Defendants’ time to file a reply in support of Defendants’ motion to dismiss. *See* ECF No. 27. On February 16, 2023, Plaintiff, acting *pro se*, filed his complaint challenging the U.S. Department of State’s denial of Plaintiff’s application for a U.S. passport. ECF No 1; *see also* ECF 11. On September 8, 2023, Defendants moved to dismiss Plaintiff’s complaint in its entirety. ECF No. 27. On September 11, 2023, Plaintiff filed a “Motion for Partial Summary Judgment,” ECF No. 28, which Defendants’ construe as a response in opposition to Defendants’ motion to dismiss. Defendants’ current deadline to reply to Plaintiff’s filing is September 18, 2023. If this motion is granted, Defendants’ deadline will be September 25, 2023. This is Defendants’ first request to extend the deadline to file a reply in support of Defendants’ motion to dismiss in this case.

This Court has broad discretion to extend filing deadlines for good cause. *See Jordan v. U.S. Dep’t of Justice*, 315 F. Supp. 3d 584, 594 (D.D.C. 2018); Fed. R. Civ. P. 6(b)(1). Defendants submit that good cause exists to extend the deadline to file a reply in support of Defendants’ motion to dismiss. Undersigned counsel is a member of the U.S. Navy Reserve and is on active-duty orders

from September 5 to September 18, 2023. The requested September 25 deadline is seven days from counsel's return from active duty. *See* LCvR 7(d) (allowing seven days to file a reply memorandum). As a result of the foregoing, along with the need to coordinate the reply with the State Department before filing, undersigned counsel cannot adequately prepare a reply by the existing deadline.

On September 11, 2023, Plaintiff indicated he does not consent to the extension of time requested herein.

Thus, for good cause shown, Defendants respectfully request that this Court extend the deadline for Defendants to file a reply in support of Defendants' motion to dismiss by seven days, from September 18, 2023, through and including September 25, 2023.

DATED: September 11, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

WILLIAM C. PEACHEY
Director

YAMILETH G. DAVILA
Assistant Director

STEVEN A. PLATT
Senior Litigation Counsel

/s/ Sergio Sarkany
SERGIO SARKANY
U.S. Department of Justice
Civil Division
Office of Immigration Litigation –
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 598-5624
sergio.f.sarkany@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document on the Court and all parties by filing it with the Clerk of the Court through the CM/ECF system, which will provide notice and an electronic link to this document to *pro se* plaintiff.

DATED: September 11, 2023

Respectfully submitted,

/s/Sergio Sarkany
SERGIO SARKANY
Trial Attorney
U.S. Department of Justice

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALLAN DOUGLAS WILSON,

Plaintiff,

– versus –

U.S. DEPARTMENT OF STATE, *et al.*,

Defendants.

Case No. 1:23-cv-00216-CJN

DEFENDANTS’ REPLY IN SUPPORT OF MOTION TO DISMISS

In response to Defendants’ Motion to Dismiss (“Defs. Mot.”) (ECF No. 27), Plaintiff filed a response styled “Motion for Partial Summary Judgment Under FRCP 56” limited to “the discrete issue of damages.” ECF No. 28; *see also* ECF No. 28-1 (Statement of Undisputed Facts In Support of Motion for Summary Judgment).¹ As explained below, Plaintiff’s filing fails to provide a basis for money damages or otherwise demonstrate why the court should not grant Defendants’ motion to dismiss Plaintiff’s complaint in its entirety. First, Plaintiff concedes that he has received a

¹ Plaintiff’s filing is not properly a motion for summary judgment and should not be treated as one. Rule 56 provides that summary judgment is appropriate when the pleadings, the discovery and disclosure materials on file, and any affidavits show “that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *McWay v. LaHood*, 269 F.R.D. 35, 37 (D.D.C. 2010) (internal citation omitted). Here, while any APA challenge to State’s denial of Plaintiff’s passport application would be limited to the administrative record, *see* 5 U.S.C. § 706; *Ashton v. United States Copyright Office*, 310 F. Supp. 3d 149, 156 (D.D.C. 2018), there has been no exchange of discovery between the parties. Summary judgment is therefore premature. *See 1443 Chapin St., LP v. PNC Bank*, 258 F.R.D. 186, 187-88 (D.D.C. 2009) (Rule 56 “prevent[s] ‘railroading’ the non-moving party through a premature motion for summary judgment before the non-moving party has had the opportunity to make full discovery.” (internal citations omitted). Further, in their request to extend the deadline to reply to Plaintiff’s filing, Defendants emphasized they construe Plaintiff’s “Motion for Partial Summary Judgment” as a response in opposition to Defendants’ motion to dismiss, meriting a reply. *See* ECF No. 29; *see also* LCvR 7(d). In granting Defendants’ extension request, the Court ordered Defendants to “file their reply” by September 25, 2023. *Minute Order*, Sep. 20, 2023.

passport, and fails to argue that his nationality claim is somehow still live. Second, Plaintiff's surveillance claims fail. While Defendants addressed Plaintiff's claim to harm from targeted "radio waves" as part of his overarching unlawful surveillance claim, to the extent the radio waves claim can be differentiated, it suffers from the same jurisdictional defects as Plaintiff's surveillance claim and should be dismissed. Third, Plaintiff fails to establish jurisdiction under his purported FTCA claim and similarly fails to state a *Bivens* claim. Lastly, Plaintiff improperly raises a defamation claim against Defendants in his responsive filing, which, regardless, is exempted as a cause of action under the FTCA. The Court should grant Defendants' motion and dismiss the complaint.

ARGUMENT

As an initial matter, Plaintiff confirms Defendants' representation that the State Department has issued Plaintiff a U.S. passport. ECF No. 28 at 4, 28-1 (SOF 15) (citing ECF No. 27-1). The State Department's issuance of a U.S. passport to Plaintiff has rendered moot his request for injunctive relief as well as any claim under which such relief was predicated, whether it was the Mandamus Act (28 U.S.C. § 1361), the Administrative Procedure Act (5 U.S.C. § 701, *et seq.*), or some other statute. *See* Defs. Mot. 8-9. Plaintiff also clarifies his complaint did not include a Foreign Intelligence Surveillance Act (FISA) claim and avers he detailed the alleged physical harm stemming from being surveilled to "prove the urgency of the demanded injunction" for issuance of his passport. ECF No. 28 at 5, 6. Consequently, Plaintiff has abandoned any claim related to his allegations of being targeted for unlawful surveillance, which, by Plaintiff's own admission, have nevertheless been rendered moot by issuance of his passport.² The Court should dismiss these claims.

² Because Plaintiff is not raising a FISA claim, the Court should disregard Plaintiff's discussion of surveillance technologies purportedly employed under FISA and the definition of surveillance. *See* ECF No. 28 at 8-11.

Putting aside FISA, Plaintiff nevertheless persists, advancing a money damages claim based on Defendants' "admission" that unidentified sources have targeted Plaintiff with "radio waves" with the result that he has suffered unspecified harm and a host of civil rights violations. *See* ECF No. 28 at 4, 6. Defendants, however, have made no such admission and instead have thoroughly demonstrated the many reasons why the court should dismiss the entirety of Plaintiff's complaint. *See generally* Defs. Mot. Regardless, Plaintiff's claim that unknown actors have maliciously targeted him with radio waves is not new to his most recent filing and were referenced in his correspondence to the Canadian Minister of National Defence and the Canadian Minister of Public Safety. *See* ECF 1-1 at 1-4, 7-9, attached to Complaint. Given the lack of clarity in many parts of Plaintiff's complaint, however, Defendants reasonably considered Plaintiff's references to radio waves as part of his overarching claim to have been maliciously targeted for unlawful surveillance using a range of unconventional techniques, *e.g.*, concentrated radio waves, under the guise of FISA. Even treating Plaintiff's newfound focus on radio waves as a stand-alone claim, it should nevertheless be dismissed for the same reasons identified in Defendants' motion to dismiss. Specifically, the claim is patently insubstantial and fails to present a federal question suitable for decision. *See* Defs. Mot. at 10-11; *Hagans*, 415 U.S. at 536-37 ("[Federal courts are] without power to entertain claims otherwise within their jurisdiction if they are so attenuated and unsubstantial as to be absolutely devoid of merit."). Plaintiff also fails to establish standing because any supposed injuries from targeted radio waves are not "fairly traceable" to the State Department (including U.S. Embassy Philippines), the only named defendants. *See* Defs. Mot. at 13-14; *Lujan*, 504 U.S. at 560-61 (to establish Article III standing, a plaintiff must show "the injury is "fairly traceable" to the challenged action of the defendant"). Lastly, even if here were able to raise a claim to harm from targeted radio waves, money damages would be unavailable because Plaintiff

again fails to identify any authority that would permit a damages recovery against the State Department under the circumstances Plaintiff presents. *See Wesselman v. United States*, 501 F. Supp. 2d 98, 99 n.1 (D.D.C. 2007) (“Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit. Sovereign immunity is jurisdictional in nature.” (internal citations omitted)).

Plaintiff’s attempt to demonstrate a basis for this court to entertain his FTCA and *Bivens* claims fail in every respect. *See* ECF 28 at 6-8. As to the FTCA, Plaintiff asserts he should be exempt from the jurisdictional exhaustion requirement to present a claim to the State Department before filing suit because he attempted to explain his grievances to embassy personnel and lacked an identifiable route to submit his claim. ECF No. 28 at 6. Plaintiff’s alleged difficulties do not relieve him of satisfying the jurisdictional exhaustion requirements before bringing an FTCA claim in federal court. *See* 28 U.S.C. § 2675(a); *Achagzai*, 109 F. Supp. 3d at 69-70 (describing a jurisdictionally adequate presentment as “one which provides to the appropriate agency (1) a written statement sufficiently describing the injury to enable the agency to begin its own investigation, and (2) a sum-certain damages claim”). Next, Plaintiff’s failure to name the United States as a party in his FTCA claim requires dismissal for lack of subject-matter jurisdiction. *Veterans Affairs Med. Ctr.*, 133 F. Supp. 3d at 17. Plaintiff’s contrary argument that the Court should exercise FTCA jurisdiction because his suit against the State Department implies the United States is also a party has no basis in law. *See* ECF No. 28 at 7; *see also Sanchez-Mercede*, 453 F. Supp. 3d at 415 (“The *only* proper defendant for an FTCA claim is the United States.”) (emphasis provided). Piercing federal sovereign immunity merely because a plaintiff implies the United States should be a defendant plainly exceeds the exacting conditions under which the United States consented to be sued under the FTCA. Lastly, Plaintiff asserts he should not be barred from raising

an FTCA claim despite sustaining all alleged injuries in a foreign country because “anecdotal evidence suggest[s] the possibility” the United States (and others) maintain the capabilities to inflict the harms alleged. ECF No. 28 at 8. Plaintiff’s argument, however, is directly at odds with the FTCA’s statutory language as interpreted by the Supreme Court barring any such action. *See Sosa*, 542 U.S. at 712 (the FTCA’s foreign-country exception “bars all claims based on any injury suffered in a foreign country, regardless of where the tortious act or omission occurred”) (citing 28 U.S.C. § 2680(k)). The Court therefore lacks jurisdiction to review Plaintiff’s claims under the FTCA. *See* Defs. Mot. at 18-20.

The Court should also easily dismiss Plaintiff’s argument *Bivens* should be expanded to cover the instant case because the two are, in his view, sufficiently analogous. *See* ECF No. 28 at 7-8. Initially, as previously explained, Plaintiff’s failure to name an individual defendant who personally or directly participated in the alleged wrongdoing precludes him from raising a *Bivens* claim. *See Corr. Servs. Corp.*, 534 U.S. at 70; Defs. Mot. at 17-18. Next, Plaintiff’s request to extend *Bivens* is meritless. In support of his request, Plaintiff notes only that this case involves a government entity as a defendant, a claim for damages from an alleged constitutional violation, and “the already abrogated sovereign immunity of states in favor of lawsuits with Constitutional importance.” *Id.* None of these observations, however, should compel the court to engage in the “disfavored judicial activity” of expanding *Bivens* to a new context and category of defendant. *See Abbasi*, 582 U.S. at 136 (The continued expansion of *Bivens* to “any new context or new category of defendants” is a “disfavored judicial activity.”). Apart from *Bivens* itself—which arose out of a Fourth Amendment violation involving a warrantless search and arrest—the Supreme Court has recognized a *Bivens* action only in two other circumstances: (1) to redress an equal-protection violation involving discrimination in congressional-staff employment, *Davis v. Passman*, 442 U.S.

228 (1979); and (2) to address an Eighth Amendment violation involving failure to treat an inmate's asthma that resulted in his death, *Carlson v. Green*, 446 U.S. 14 (1980). While the contours of Plaintiff's *Bivens* claims are not entirely clear, assertions of harm from targeted radio waves and constitutional violations stemming from a denied passport application unquestionably arise in a wholly new context from those in which the Supreme Court has previously recognized a *Bivens* action. Under these circumstances, Plaintiff has failed to state a claim under *Bivens*.³

Finally, Plaintiff claims for the first time that Defendants have defamed him by imprecisely summarizing his possible criminal history and psychiatric diagnosis based on documents Plaintiff provided as part of his complaint. *See* ECF No. 28 at 11. Plaintiff cannot overcome a motion to dismiss by alleging new facts in a responsive pleading. *See, e.g., Harris v. District of Columbia*, 696 F. Supp. 2d 123, 136, 137 n.11 (D.D.C. 2010). Nor can Plaintiff amend his complaint "by the briefs in opposition to a motion to dismiss." *Kingman Park Civic Ass'n v. Gray*, 27 F. Supp. 3d 142, 160 n.7 (D.D.C. 2014). Lastly, even if Plaintiff were able to overcome the preceding hurdles, the FTCA specifically exempts defamation claims from the torts for which the government may be sued. 28 U.S.C. § 2680(h); *Cruz-Packer v. Chertoff*, 612 F. Supp. 2d 67, 69 n.3 (D.D.C. 2009). The court should therefore decline to entertain Plaintiff's claim to defamation.

³ In addition to the FTCA and *Bivens*, Plaintiff makes passing references to violations of the U.S. Constitution and 18 U.S.C. § 242. *See* ECF 28 at 4, 7. But without any coherent argument in support of these claims, Defendants are unable to respond and rest on their motion to dismiss. *See, e.g.,* Defs. Mot. at 16-17.

CONCLUSION

For the above reasons, and those contained in Defendants' motion to dismiss, Plaintiff is not entitled to money damages or relief of any kind. Defendants respectfully request the Court to grant Defendants' motion to dismiss Plaintiff's case in its entirety.

DATED: September 25, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

WILLIAM C. PEACHEY
Director

STEVEN A. PLATT
Acting Assistant Director

/s/ Sergio Sarkany
SERGIO SARKANY
U.S. Department of Justice
Civil Division
Office of Immigration Litigation –
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
Tel: (202) 598-5624
sergio.f.sarkany@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document on the Court and all parties by filing it with the Clerk of the Court through the CM/ECF system, which will provide notice and an electronic link to this document to *pro se* plaintiff.

DATED: September 25, 2023

Respectfully submitted,

/s/Sergio Sarkany
SERGIO SARKANY
Trial Attorney
U.S. Department of Justice

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE
DISTRICT OF COLUMBIA**

Allan Douglas Wilson

PLAINTIFF (pro se)

CIVIL ACTION NO.

23-CV-216-CJN

VS.

Department of State et al

DEFENDANT

**MEMORANDUM OF RESPONSE TO DEFENDANTS' REPLY TO MOTION FOR
SUMMARY JUDGMENT**

Defense has rested on their Motion to Dismiss and has not been able to effectively respond to the Plaintiff's filed Motion for Summary Judgment and Statement of Undisputed Facts. There has been no argument from the defense contending any genuine dispute as to the material facts of the case. Plaintiff's Motion for Partial Summary Judgment is within the stated Federal Rules of Civil Procedure and should be granted in the interest of justice.

BACKGROUND

In defense's reply supporting motion to dismiss (ECF doc 30), counsel has mischaracterized the Plaintiff's filing of the partial motion for summary judgment as a response to its Motion to Dismiss (ECF 30, para1). Counsel's reply is short of any concrete response to the filed

Statement of Undisputed Facts (ECF 28-1) which should allow for legal remedy on summary judgment for the discreet issue of damages apart from the already satisfied injunctive demand.

In their reply (ECF 30 p6 footnote), Defendants state that they are unable to respond to any of the Plaintiff's references to statutes and precedents, and that they rest on their Motion to Dismiss.

Contrary to Defense's assertion and *Peoples Bank v. Federal Reserve Bank of San Francisco* (N.D.Cal. 1944) 58 F.Supp. 25, Plaintiff's Motion for Summary Judgment is not premature, because the Defendant has filed an answer to the complaint in the form of a Motion to Dismiss (ECF 27). Federal Rules of Civil Procedure 56(b) cites no need for discovery in filing a motion for summary judgment and only refers to the timing of such a filing which is 'any time until 30 days after the close of all discovery'. Further to this, the defense is not seeking discovery but only to dismiss based on its arguments in Motion to Dismiss and subsequent reply. This fact makes any presumption of the necessity for discovery prior to summary judgment a moot point.

There remains according to FRCP 56(a) 'no genuine dispute as to any material fact' in the case as the citations in counsel's reply are not material to the facts demonstrated in the filed Statement of Undisputed Facts. Counsel has once again missed the point and ignored any civil rights violations, preferring to cling to the defense of invisible radio waves rather than the tertiary matter of provable damages from repeated denials of the rights of citizenship.

In its numerous legal case references, counsel is only proposing that there is no precedent for the Plaintiff's case and is suggesting that defense's false statements in defense of civil rights violations should go unchallenged. Defense has also failed to show how denial of civil rights does not result in damages that are the issue of the filed Motion for Summary Judgment.

The Plaintiff reiterates that there is no precise claim under Bivens and FCTA. Further to this, the Plaintiff is not filing under FISA as it has been repeatedly iterated that evidence would be lacking for reasons of FOIA and national security. The precedents described by counsel only resemble the Plaintiff's claim in part and are not analogous as counsel inaccurately describes.

Defense is needlessly repeating the same irrelevant arguments, citing that no known precedent applies and therefore the claim should be dismissed. This lacks sensibility and reasoning that allows for justice in the first place, where there is an offense against the law and damages result there is a need for justice in a court of jurisdiction, regardless of existing precedent. Plaintiff has already identified the need for judgment on the merits of the case and submitted evidence (complaint and exhibits).

Not only has the defense mischaracterized the nature of the Plaintiff's Motion for Summary Judgment, but in its flailing gesture of a defense, counsel has gone so far as to mischaracterize their own admission on record, rephrasing a prior admission relating damages from civil rights violations to personal injury to now 'unidentified sources have targeted Plaintiff with "radio waves" with the result that he has suffered unspecified harm and a host of civil rights violations'. This reveals that the defense is now seeking to identify the central matter of the complaint as the injury from radio waves, rather than the separate but not exclusive instance of the actual denial of rights of citizenship by Embassy personnel.

It is presumed that any damage award would consider personal injury to the Plaintiff and damages from civil rights violations, while not depending entirely on any existing precedent. This would not only consider admissions of the defense but also the likelihood that the Plaintiff was targeted in the manner described in exhibits, and the change in perceived surveillance targeting which negated the previously demanded urgency for injunction (ECF 16 p2:

background). Aside from any of these considerations, a damage award is justifiable based on the denial of rights alone that were consequent to denial of Plaintiff's claim to citizenship, even without evident physical injury. The basis for monetary damages has already been demonstrated in amended filings (ECF doc 22, p7).

The defense of sovereign immunity may only be relevant if the grossly negligent denials described in the amended filing and exhibits are in fact 'Acts of State' for which immunity should be invoked, and not exclusively the errant actions of Embassy personnel under the auspices of the Department of State.

A defamation claim is not material to the complaint. In referring to counsel's defamation in their reply, Plaintiff seeks to establish the truth in response to counsel's false statements, while they have further stated in their reply that they are summarizing a 'psychiatric diagnosis' and 'possible criminal history', implying possession of unverifiable medical and criminal knowledge when there is no such known diagnosis or criminal history pertaining to the Plaintiff. The Plaintiff is not seeking to rephrase his complaint as the existing filing and its amendments are clearly worded and justification for damages is presented unequivocally.

Counsel is suggesting the need for a live nationality claim for the court to recognize damages for civil rights violations. This claim has already been denied multiple times for a period of 11 months. The demanded injunction for issuance of a passport was only satisfied by court filings days before the Defendant's response was due and no contact was made between the Defendant and the Plaintiff during that 11-month period. This accurately demonstrates the resulting merit of the case where the Plaintiff's demanded injunction was satisfied pretrial in the absence of any other administrative recourse for the Plaintiff to resolve the Embassy's erroneous rejection of a

citizenship claim. Recognizing only injunctive measures and dismissing related damages is seeking to cherry pick for the benefit of the defense rather than to serve justice.

CONCLUSION:

The defense has not produced or suggested any evidentiary matter relevant to the case and has not established a genuine issue for trial. The averments relied on by the defense in its reply present no issue material to the substance of the pleadings. For this reason, Plaintiff is entitled to judgment as a matter of law and Motion for Partial Summary Judgment on the discrete issue of damages should be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Plaintiff: Allan Douglas Wilson



_____, Date: 09/26/2023