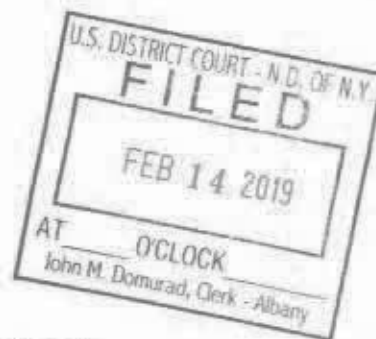


Christopher Earl Strunk, in esse Sui juris in propria persona
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**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF NEW YORK**

Civil Case No: 1:19-cv-202 (DNH/CFH)

x-----x
 In the matter of:

Christopher Earl Strunk, Individually of New York;

Plaintiff, Petitioner

versus

THE STATE OF NEW YORK by **ANDREW M. CUOMO**, Individually and as Governor;
 New York Senate Majority Leader **ANDREA STEWART-COUSINS**; New York Assembly
 Speaker **CARL E. HEASTIE**; **THE CITY OF NEW YORK (NYC)**; Warren "**BILL DE
 BLASIO**" **Wilhelm Jr.**, Individually and as Mayor of NYC; **DEMOCRATIC NATIONAL
 COMMITTEE (DNC)** by its Chairman **TOM PEREZ**; **U.S. DEPARTMENT OF HEALTH
 AND HUMAN SERVICES (HHS)**; **U.S. DEPARTMENT OF HOMELAND SECURITY
 (DHS)**; **PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.**; **VOICE FOR
 CHOICE: PLANNED PARENTHOOD OF NEW YORK CITY ACTION FUND, INC.**

Defendants/Respondents.

x-----x
PETITION FOR A PRELIMINARY INJUNCTION with COMPLAINT to restrain, until
 further order of the Court, Defendants imminent infanticide use of the Reproductive Health Act
 and or reimbursement of New York Defendants as scofflaws aiding and abetting illegal alien
 residence for unjust enrichment in violation of 8 USC §1324, with 13 USC Sec. 141 /Sec. 195,
 P.L. 94-171, 18 USC §611 and 2 USC §2a, 2 USC §6, 18 USC §1091 and related law as apply to
 Governor Cuomo's breach of fiduciary duty under the 1933 Emergency Banking Relief Act and
 Proclamation 2040 continuing thirty-one (31) emergency orders of the Commander-in-Chief.

NOW COMES Christopher Earl Strunk, in esse Sui juris in propria persona, a private national citizen of the United States of America and a New Yorker (Strunk), hereby Petitions this court for a mandamus with restraint of Respondents, as time is of the essence with imminent irreparable harm with no other adequate remedy at law and with a likelihood of success since the 22 January 2019 enactment of the Reproductive Health Act (RHA) commits infanticide for unjust enrichment in New York; and hereafter, Strunk Complains of Defendants' infringement of Plaintiff's fundamental rights, protected under the Constitution for the United States, that by the State of New York's Public Officers malicious administration and enforcement duties under the 1933 Emergency Banking Relief Act and Proclamation 2040 continuing thirty-one (31) emergency orders of the Commander-in-Chief and related law fail to protect the newborn chattel that safeguards the credit worthiness of the United States of America on which Plaintiff depends; and Defendants by conspiracy with State of New York's Public Officers and others similarly situated jointly act with the Democratic Party National Committee use of illegal aliens and contrive dependency of persons to increase their political base by using distortionary economic policies to cause opposing groups to leave as evidenced by population loss to the detriment of Plaintiff(s) among those citizens similarly situated with natural and fundamental rights protected against infringement by of the Fourteenth Amendment Section 1⁽¹⁾ and Section 2⁽²⁾ to the U.S. Constitution with related law.

¹ **Section 1 of the Fourteenth Amendment:** No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

² **Section 2 of the Fourteenth Amendment:** Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens

STATEMENT OF FACTS OF THE CASE

1. Based upon information and belief, The Democratic National Committee with Chairman Tom Perez (DNC) sponsored expedited passage of the *Reproductive Health Act* (RHA) in New York (full text at Footnote 3) and other states in anticipation of the death of Supreme Court Justice Ruth Bader Ginsberg, a New Yorker, and her replacement by a constitutional *originalist* who would favor personal protection of life, liberty, pursuit of happiness and to define a fetus a person as under the 14th Amendment before being registered by birth certificate as the surety indenture in commerce that would undermine the very profitable questionable commercial sale of mature fetus body parts and fluids ⁽⁴⁾.

2. On Tuesday, 22 January 2019 ALBANY, N.Y. (AP report see footnote 5) — New York state enacted one of the nation's strongest protections for *abortion rights* known as the Reproductive Health Act, a move that state leaders alleged safeguard said rights should the U.S. Supreme Court overturn *Roe v. Wade*; and the Democrat-led Senate (*with New York Senate Majority Leader Andrea Stewart-Cousins*) and Assembly (*with New York Assembly Speaker Carl E. Heastie*) passed the bill Tuesday, the 46th anniversary of the Roe decision; and New York's Democratic Governor Andrew Cuomo immediately signed it into law.

3. Based upon information and belief, Planned Parenthood and its political action committee

of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

³ <https://legislation.nysenate.gov/pdf/bills/2017/S2796>

⁴ <https://www.foxnews.com/us/tissue-from-aborted-fetuses-used-to-power-oregon-homes>

<https://cogforlife.org/wp-content/uploads/fetalproductsall.pdf>

<https://lozierinstitute.org/minnesota-court-rules-in-favor-of-universitys-use-of-aborted-fetal-tissue-for-research/>

<https://thinkprogress.org/the-use-of-aborted-fetuses-in-medical-research-has-saved-the-lives-and-health-of-millions-15938db46b1f/> <https://www.reference.com/science/can-adrenaline-made-artificially-37ccf004c9265fa0>

⁵ <https://www.apnews.com/d9c56babf0a14593bae804e841249937>

with the DNC have contributed to the RHA enactment and stand to unjustly benefit from the sale of mature fetus body parts and fluids, and use crypto currency, outside the FRB system, to launder illicit funds offshore such as in the British Indian Ocean Territory (BIOT).

4. The RHA measure replaces a 1970 state abortion law that was passed three years before Roe legalized abortion nationwide. It codifies many abortion rights laid out in Roe and other court rulings, including a provision permitting late-term abortions when a woman's health is endangered.

5. The RHA law also authorizes physician assistants to perform some abortions and moves the section of state law dealing with abortion from the penal code to health statutes, for the RHA text herewith at Exhibit A.

6. That Plaintiff alleges Defendants in regards to RHA are in breach of fiduciary duties under the 1933 Emergency Banking Relief Act and Proclamation 2040 continuing thirty-one (31) emergency orders of the Commander-in-Chief specifically as applies with the 31 July 2015 Report *Fetal Tissue Research: Frequently Asked Questions* R44129 by Congressional Research Service prepared for Committees and members of Congress herewith at Exhibit B.

7. That Plaintiff alleges Defendants in regards to RHA are subject to breach of fiduciary duty under the 1933 Emergency Banking Relief Act and Proclamation 2040 continuing thirty-one (31) emergency orders of the Commander-in-Chief specifically as applies with Federal Register Vol. 83, No. 243 Wednesday, December 19, 2018 Notice of December 18, 2018 *Continuation of the National Emergency With Respect to Serious Human Rights Abuse and Corruption* at Exhibit C.

8. That Plaintiff alleges Defendants in regards to RHA are subject to breach of fiduciary duty under the 1933 Emergency Banking Relief Act and Proclamation 2040 continuing thirty-

one (31) emergency orders of the Commander-in-Chief listed at **Exhibit D** without the National Emergency Mandate issued by Donald John Trump, on 12 September 2018 *Executive Order on Imposing Certain Sanctions in the Event of Foreign Interference in a United States Election* the need for protection of U.S. Citizen Voters at the 6 November 2018 Mid-Term General Election.

9. That Plaintiff provides in **Exhibit E** a copy of the joint statement by Christopher Earl: Strunk, in esse sui juris, and Eric Jon: Phelps, in esse sui juris, from the Website titled "PRIVATE AMERICAN CITIZEN" with the universal purpose to build and maintain an informed cooperative association for each United States of America Constitution's 14th Amendment Private National American Citizen, a Non-"U.S. citizen" per se, whose birth or naturalization and residence Status as the living, natural human being, non-surety for a state or federally-created quasi-corporate organization, is free to contract and act in commerce as the sole beneficiary of his or her Estate Trust that applies after Senators Frank Church and Charles Mathias on 19 November 1973 issued Senate Report 93-549 on *EMERGENCY POWERS STATUTES: PROVISIONS OF FEDERAL LAW Now IN EFFECT DELEGATING TO THE EXECUTIVE EXTRAORDINARY AUTHORITY IN TIME OF NATIONAL EMERGENCY*⁽⁶⁾.

10. That Plaintiff alleges Defendants acts are involved with Genocide in regards to RHA as applies herewith at **Exhibit F** TITLE 18—CRIMES AND CRIMINAL PROCEDURE CHAPTER 50A—GENOCIDE in regards to Section 1091 of Title 18, United States Code, prohibits genocide whether committed in time of peace or time of war. Genocide is defined in § 1091 and includes violent attacks with the specific intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. There is Federal jurisdiction if the offense is committed within the United States. There is also Federal extraterritorial jurisdiction when the

⁽⁶⁾https://en.wikipedia.org/wiki/Report_of_the_Special_Committee_on_the_Termination_of_the_National_Emergency#/media/File:Cover_93-549.png

offender is a national of the United States.

11. Following the 22 January 2019 RHA enactment, on 5 February 2019, President Donald J. Trump presented his State of the Union address (full transcript at Footnote 7), during which condemning the New York legislation enacted by Governor Cuomo on January 22, 2019 thereby allows "a baby to be ripped from the mother's womb." and that Mr. Trump accused New York of authorizing the infanticide execution of "a baby after birth." And he asked Congress for a 20-week abortion ban legislation, and as the chief law enforcement officer urged Congress:

"To defend the dignity of every person," Trump said, "I ask Congress to pass legislation to prohibit the late-term abortion of children who can feel pain in the mother's womb."

12. Also at Tuesday's State of the Union address, President Trump declared that: "America Will Never Be A Socialist Country"; "We Were Born Free And We Will Stay Free".

13. That New York Defendants illegal aiding and abetting in sanctuary for the ongoing illegal alien invasion is part of a racketeering scheme run by a well defined DNC and *Republican In Name Only* (RINO) enterprise (Averill Harriman Democrat / Nelson Rockefeller Republican) *uni-party* that is properly characterized as a *Corporate State Socialism* or fascist corporatism as originally coined by Benito Mussolini and that should be part of a future RICO Statement herein, and in that Defendants use of RHA inter alia stand to unjustly benefit from use of illegal aliens; and RHA enhances maturation of newborns for sale of body parts and fetal / infant fluids and due to the fact that illegal aliens neither are here with a registered birth certificate as the surety indenture in commerce that would undermine the very profitable commercial sale of mature fetus body parts and fluids in violation of the Executive order shown at Exhibit C.

14. That Nine other states including California, Washington and Oregon have already put

⁷ <https://www.usnews.com/news/politics/articles/2019-02-05/state-of-the-union-2019-read-the-transcript-of-donald-trumps-speech>

protections for abortion rights in their state statute, giving them a legal backstop should *Roe* be overturned, and other states move to enact its own equivalent to the RHA and or the Whole Woman's Health Act of Virginia enactment where notwithstanding if Congress settles the issue nationally as requested by President Trump; and

15. That South Carolina lawmakers have introduced legislation that seeks to criminalize abortion and make women and their doctors subject to felony charges if they receive or perform the procedure; and their efforts mark the latest state-level push to restrict access to abortion as politicians across the country prepare for a potential overturn of *Roe v. Wade* by the U.S. Supreme Court and Senator Richard Cash and state Representative Josiah Magnuson separately introduced "personhood" legislation to South Carolina's legislature this session. The House bill specifically seeks to "establish that the right to life for each born and preborn human being vests at fertilization." By defining the beginning of life at fertilization, the proposals would effectively prohibit abortion, granting that the unborn can't be "deprived of life without due process of law nor denied the equal protection of the laws." The Senate bill language matches.

16. Generally accepted estimates put the population of undocumented illegal aliens in the United States at approximately 11.3 million. A new study, using mathematical modeling on a range of demographic and immigration operations data, suggests that the actual undocumented immigrant population may be more than 22 million; Source Yale University see ⁽⁸⁾

17. When factoring in the presence of between 11.3 to 22 million illegal aliens / non US Citizens out from the 2010 Census that reported 308.7 million people in the United States, a 9.7 percent increase from the Census 2000 population of say 281.4 million, that total divided by 435 house members averages 709,655 per congressional district size or 659,080 citizens each with

^{*} <https://insights.som.yale.edu/insights/yale-study-finds-twice-as-many-undocumented-immigrants-as-previous-estimates>.

the exception that every state must have at least one house member. Source US Census of 2010;

18. As of September 2018 the United States of America gold Holding is 8965 metric tons @ 32150.7 troy ounces per metric ton equals 288231025.5 troy ounces, and when divided by the 2010 Census that reported 308.7 million total people in the United States minus 22 million illegal aliens non US Citizens totals 286.7 million equals 1.0053 troy ounces per each private pre 1933 Citizen of the United States of America in FRB Note that according to Jim Rickarts of the CIA should be currently worth say \$10,000 FRN for each 30 year Gold ounce US Treasury Bond.

19. On February 5, 2019 WASHINGTON – Secretary of Homeland Security Kirstjen M. Nielsen released the following statement on the State of the Union:

“Border security is not, and should not be, a partisan issue. President Trump clearly laid out the need for new Federal funding and serious reforms to our outdated laws in order to fully secure our southern border. Make no mistake, there is a humanitarian and security crisis at our border that will continue to worsen if Congress fails to act. We have all seen the horrors of human smuggling, drug trafficking, and the violence carried out by cartels and other transnational criminal organizations. DHS frontline personnel have made it clear what they need from Congress to end the crisis and fully secure the border. It is time Congress recognizes the facts on the ground and takes this problem seriously.”

20. That the underlying Natural Law used in conjunction with proof of injury herein is:

- a. **The Curley Effect** is a paper by Harvard economists Andrei Shleifer and Edward Glaeser, *'The Curley Effect: The Economics of Shaping the Electorate'*, describes the strategy used by Boston's Mayor Curley and other leaders of increasing their political base by using distortionary economic policies to cause opposing groups to leave ⁽⁹⁾
- b. **The Pareto Distribution**, named after the Italian civil engineer, economist, and sociologist Vilfredo Pareto, is a power-law probability distribution that is used in description of social, scientific, geophysical, actuarial, and many other types of observable phenomena. Originally applied to describing the distribution of wealth in a

⁹ https://scholar.harvard.edu/files/glaeser/files/curley_effect_1.pdf

society, fitting the trend that a large portion of wealth is held by a small fraction of the population, the Pareto distribution has colloquially become known and referred to as the Pareto principle, or "80-20 rule", and is sometimes called the "Matthew principle". This rule states that, for example, 80% of the wealth of a society is held by 20% of its population. However, the Pareto distribution only produces this result for a particular power value, α ($\alpha = \log_4 5 \approx 1.16$). While α is variable, empirical observation has found the 80-20 distribution to fit a wide range of cases, including natural phenomena and human activities. Eg. 20% of persons of higher IQ in a system produce 80% of the product, while 80% with lower IQ produce 20% of the product.⁽¹⁰⁾

- c. **Price's Law** or Price's model (named after the physicist Derek J. de Solla Price) is a mathematical model for the growth of citation networks. It was the first model which generalized the Simon model to be used for networks, especially for growing networks. Application of the inverse square ie. the work product of the square root of any network of individuals system is 50% of the production, eg. the square root of say 100 or 10 persons produce 50% of the product with the remaining 90 persons that produce the remaining 50% of the product of the system. Price's model belongs to the broader class of network growing models (together with the highly influential Barabási–Albert model) whose primary target is to explain the origination of networks with strongly skewed degree distributions. The model picked up the ideas of the *Simon model* reflecting the concept of *rich get richer*, also known as the *Matthew effect*. Price took the example of a network of citations between

¹⁰ https://en.wikipedia.org/wiki/Pareto_distribution

scientific papers and expressed its properties. His idea was that the way how an old vertex (existing paper) gets new edges (new citations) should be proportional to the number of existing edges (existing citations) the vertex already has. This was referred to as *cumulative advantage*, now also known as preferential attachment. Price's work is also significant in providing the first known example of a scale-free network (although it was named later) ⁽¹¹⁾. His ideas were used to describe many real-world networks such as the Web; and inversely the scaled Facebook network designer is unable to provide the source code proof resulted in a *Miller Act Notice Claim* ⁽¹²⁾.

21. That Defendants use of Facebook is a fraudulent inducement inter alia associated with RHA and Defendants do so without a proper warrant by Mark Zuckerberg as to the authenticity of Facebook source code.

22. That the addition of Fluoride to the centralized potable water supply by New York Defendants diminishes user Intelligence Quotient and by lowering resident IQ renders residents increasingly dependent upon Defendants as Fluoride poses a health and safety risk to residents of New York and elsewhere.

23. That New York Defendants permissive use of Microwave communications 4G / 5G poses a health and safety risk to residents of New York in that the electromagnetic frequencies in our body coexist in a complex manner and interact with each other nonstop. Interferences with external electromagnetic fields, like mobile phones, Wi-Fi routers, etc., create fatigue, sleep problems and imbalance to the body ⁽¹³⁾; and that Microwave communications 4G / 5G is done

¹¹ https://en.wikipedia.org/wiki/Price%27s_model

¹² <https://www.fbcoverup.com/docs/library/2017-07-23-MILLER-ACT-NOTICE-TO-US-EXECUTIVE-served-via-USPS-Express-Mail-Jul-23-2017.pdf>

¹³ <https://www.americansforresponsibletech.org>

needlessly in that safe use on a smaller scale would not enhance New York Defendants preferred control over residents to create dependency or to force opponents to leave.

24. There is no justification for this massive wireless densification. The build-out of millions of new wireless antennas is not necessary for coverage or public safety. It will not improve emergency responsiveness, or magically close the "digital divide." This is not a public service or a vital utility other than New York Defendants preferred control over residents to create dependency or to force opponents to leave.

25. New York Defendant benefit from the primary purpose of 4G/5G densification is simply profit. As it will allow telecoms to compete with cable companies by selling wireless video subscriptions that deliver television without having to invest the money to lay cable. Billions in profits will result from charging consumers to watch movies, play online games and surf the internet, and by mining and marketing the resulting customer data.

26. New York Defendant ignore the fact that the build-out of new wireless networks will exacerbate existing energy and safety problems; and are permissive despite according to the Institute of Electrical and Electronics Engineers (IEEE), wireless infrastructure consumes at least ten times as much energy as wired technologies. A massive build-out of 5G will significantly increase demand for power, resulting in greater greenhouse gas emissions and pollution.

27. New York Defendants propose legislation that guts democratic norms, local control and sources of revenue. Americans elect local leaders to represent their interests and respond to their needs, including a clean and healthy environment and the unique aesthetic of their community. Telecom-sponsored national legislation that takes away local control over the deployment of 4G/5G equipment violates basic democratic norms but do enhance New York Defendants preferred control over residents to create dependency or to force opponents to leave.

28. Defendant D'Blasio / NYC recent declaration that all property belongs to NYC and residents are just leasing it, has interfered with Public rights-of-way impediments on public property evidenced by congestion pricing and targeted revenue enhancement schemes to enhance New York Defendants preferred control over residents to create dependency or to force opponents to leave.

29. Defendant D'Blasio / NYC have decide to target enhanced revenue by springing arbitrary awning fees and penalties that has caused great turmoil in certain business communities driving up vacancy rates and in just a few weeks afterward enacted a landlord vacancy tax on empty stores created by targeted revenue enhancement schemes because New York Defendants preferred control over residents to create dependency or to force opponents to leave. .

30. New York Defendants efforts to protect public health and safety are inadequate and outdated, and Published science proves harmful health effects from exposure to RF microwave radiation; studies show a wide range of biological effects at levels far below current FCC exposure guidelines. RF microwave radiation affects everyone, and with 4G/5G installations in every neighborhood, Americans will not be able to escape continuous, involuntary exposures in their own homes. The unborn child, small children, the elderly, and people with chronic illnesses, microwave sickness, or compromised immune systems are particularly vulnerable. In that regard Telecoms admit they do not know if their wireless technology is safe, and warn that their revenues could be negatively impacted by health claims. Insurance companies will not insure telecoms against liability for exposure-related health claims or other damages; taxpayers may be forced to bail out telecoms in future class-action lawsuits - why? New York Defendants preferred control over residents to create dependency or to force opponents to leave.

31. That New York Defendants have flooded towns and cities by releasing inmates of

psychiatric facilities to create dependency or to force opponents to leave.

32. That New York Defendants have flooded towns and cities by releasing inmates of criminal detention facilities to create dependency or to force opponents to leave.

33. As a result of New York Defendants questionable policies and actions to create dependency or to force opponents to leave in New York has significantly lost population including 2 House seats from the electoral college and the DNC merely wants to eliminate the electoral college rather than change the questionable policies and actions to create dependency or to force opponents to leave.

34. As a result of New York Defendants questionable policies and actions to create dependency or to force opponents to leave in New York has significantly lost \$2.3 billion in revenue since October and in response New York Defendant and the DNC merely wants to receive a greater Federal subsidy rather than change the questionable policies and actions to create dependency or to force opponents to leave.

35. Just last week New York Defendants suffered a tremendous job loss by the refusal of Amazon to situate in NYC, and in response New York Defendants rather than change the questionable policies and actions to create dependency or to force opponents to leave instead enacted RHA to enhance revenue with use of illegal aliens and newborns.

JURISDICTION:

36. 28 USC §1343. Civil rights (in which 42 USC §1983, §1985, §1986, §1988 and related law apply) and elective franchise; and subsection (b) as to district courts original jurisdiction of any civil action authorized by law to be commenced by any person: (1) To recover damages for injury to Plaintiff(s) person or vote property, and because of the deprivation of any right or privilege of a citizen of the United States, by act done by Defendants in furtherance of

any conspiracy mentioned in section 1985 of USC Title 42 with Defendants malicious administration and enforcement of the Election Code (Law) and as applies with USC Title 3 and with Defendants facilitation of illegal alien as if voters; (2) To recover damages from Defendants who failed to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he/she had knowledge were about to occur and power to prevent; (3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States; (4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote; and remedy with 28 USC §1651, 28 USC §2201 / §2202.

VENUE:

37. 28 USC §1391. Venue applies with subsection (a) Applicability of Section.— Except as otherwise provided by law— (1) this section shall govern the venue of all civil actions brought in district courts of the United States; and (2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature; and subsection (b) Venue in General.—A civil action is brought in ... (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred,...is situated; (c) Residency.— For all venue purposes—(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled; and (e) Actions Where Defendant Is Officer or Employee of the United States.—(1) In general.—A civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal

authority, or an agency of the United States, or the United States, may, except as otherwise provided by law, be brought in any judicial district in which (C) the plaintiff resides if no real property is involved.

PARTIES:

38. Petitioner / Plaintiff, **Christopher Earl Strunk**, in propria persona, with place for service at Post Office Box 70 Corinth New York 12822 Ph: 518-416-8743 Email: chris@privateamericancitizen.org, is a natural person resident of New York in esse Sui juris the sole beneficiary agent of the public U.S. Citizen CHRISTOPHER EARL STRUNK entity person domiciled and registered to vote in the State of New York county of Warren, and Strunk is:

- a. a Amendment XIV Section 1. private "pre 1933" national citizen born in the United States, "Non U.S. Citizen", whose *Status* is duly registered with the United States Secretary of the Treasury, subject to the jurisdiction of New York where he resides;
- b. Strunk contends that no state shall make or enforce any law which shall abridge the privileges or immunities of a person and or citizen within its jurisdiction in the United States;
- c. Strunk contends with all rights reserved without prejudice, nor shall any state:
 - i. deprive any person of life, liberty, or property, without due process of law;
 - ii. deny to any person within its jurisdiction the equal protection of the laws.
- d. Strunk petitions this court in good faith with clean hands here in New York in conformance with specifics of his resume, public commendation and participation;

- e. Strunk was the Plaintiff in the *Strunk v. US House of Representatives et.al.* 02-6159 2nd Cir, 99-cv-2168 EDNY challenge to 2 USC §2a capping of U.S. House by the 2000 decennial census using illegal aliens without the question are you a US Citizen(?).

NEW YORK DEFENDANTS

39. Respondent /Defendant, **THE STATE OF NEW YORK** with service upon the Governor

40. Respondent /Defendant, **ANDREW M. CUOMO**, Individually and as Governor; Governor of New York State NYS State Capitol Building Albany, NY 12224 Ph.: 1-518-474-8390 Office hours: 9:00am to 5:00pm.

- a. Prior to his election as Governor, Andrew Cuomo served four years as New York's Attorney General.
- b. In 1997, Cuomo was appointed by President Clinton to serve as Secretary of Housing and Urban Development (HUD), believed to be an association member of the Senior Executive Service, was solely responsible to create an additional 8% of non performing United States backed mortgages to aid and abet the theft of the Commercial banking *Special Trust Fund Accounts* securing United States debt bonds and securities that were safeguarded when separated in 1933 by the *Glass Steagall Act* firewall from Investment banking *Exchange Stabilization Fund* risky speculation that with enactment of the *Gramm Leach Bliley Act* of 1999 were comingled to have the enumerated US populace as surety for derivatives inter alia mortgage default swaps;
- c. Cuomo graduated from Fordham University in 1979 and Albany Law School in 1982.

- d. Has duties enumerated in the US Constitution, 3 USC §1 thru §21, 13 USC Sec. 141 /Sec. 195, P.L 94-171, 8 USC §1324 and 2 USC §2a with related law.

41. Respondent /Defendant, the New York Senate Majority Leader **ANDREA STEWART-COUSINS** at Albany Office 188 State Street Room 907, Legislative Office Building Albany, NY 12247 Phone: (518) 455-2585 Fax: (518) 426-6811;

42. Respondent /Defendant, New York Assembly Speaker **CARL E. HEASTIE** at 1446 East Gun Hill Road Bronx, NY 10469 718-654-6539 / Fax:718-654-5836.;

43. Respondent /Defendant, **THE CITY OF NEW YORK** (NYC), a municipal corporation represented by the Corporation Counsel at 100 Church Street New York New York 10007;

44. Respondent /Defendant, **Warren "BILL DE BLASIO" Wilhelm Jr.**, Individually and as the Mayor of NYC located for service at Mayor Bill de Blasio City Hall New York, NY 10007 **PHONE** 212-NEW-YORK outside NYC, with duties enumerated in the US Constitution, 3 USC §1 thru §21, 13 USC Sec. 141 /Sec. 195, P.L 94-171, 8 USC §1324 and 2 USC §2a with related law;

FEDERAL DEFENDANTS

45. Respondent /Defendant, **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES** (HHS) with Secretary Alex M. Azar II, Hubert H. Humphrey Building 200 Independence Avenue, S.W. Washington, D.C. 20201

46. Respondent /Defendant, **U.S. DEPARTMENT OF HOMELAND SECURITY** (DHS) with Secretary of Homeland Security Kirstjen M. Nielson; 245 Murray Lane SW Washington, DC 20528-0075

OTHER DEFENDANTS

47. Respondent /Defendant, **DEMOCRATIC NATIONAL COMMITTEE** at 430 South Capitol Street Southeast Washington, DC 20003, with Chairman TOM PEREZ;

48. Respondent /Defendant, **PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.** with Headquarters at 123 William Street 10th Floor New York New York 10038, a New York corporation registered 501(c)(3) nonprofit under EIN 13-1644147 and

49. Respondent /Defendant, **PLANNED PARENTHOOD OF NEW YORK CITY ACTION FUND I** a.k.a. VOICE FOR CHOICE: PLANNED PARENTHOOD OF NEW YORK CITY ACTION FUND, INC. with Headquarters at 26 BLEECKER STREET NEW YORK, NEW YORK, 10012 a 501(c)(4) organization founded in 1992.

50. That based upon the foregoing facts and parties among those similarly situated, Plaintiff complains of infringement harm to his natural and fundamental rights with time as the essence with imminent irreparable damage without another forum to seek relief or remedy from each individual Respondent / Defendant act(s) of non / mis / malfeasance in omission and or commission of public administration and enforcement duty under color of law or code whereby the Defendant(s) knew or should have known of infringement as for seven causes of action in conspiracy with other Respondents/Defendants as follows:

**AS AND FOR THE FIRST CAUSE OF ACTION NEW YORK AND OTHER
DEFENDANTS CONSPIRE TO COMMIT INFANTICIDE**

51. Plaintiff reasserts each preceding allegations and paragraphs 1 thru 50 as if set forth fully herein as apply by specific reference to the New York and Other Defendants conspire to commit infanticide under color of RHA

52. That a fetus able to live separately from the mother although premature at birth and is capable of maturing in an incubator, is a *person* defined under 14th Amendment Section 1;

53. the New York and Other Defendants act(s) of non / mis / malfeasance in omission and or commission of public administration and enforcement duty under RHA color of law or code to safeguard a person at birth whereby the Defendant(s) knew or should have known of infringement of such person and Plaintiff next best friend good Samaritan's right(s) by denial of substantive due process among citizens similarly situated.

**AS AND FOR THE SECOND CAUSE OF ACTION NEW YORK AND OTHER
DEFENDANTS CONSPIRACY TO COMMIT INFANTICIDE WOULD SEEK UNJUST
REIMBURSEMENT FROM FEDERAL DEFENDANTS**

54. Plaintiff reasserts each preceding allegations and paragraphs 1 thru 53 as if set forth fully herein as apply by specific reference to the New York and Other Defendants Conspiracy To Commit Infanticide Would Seek Unjust Reimbursement From Federal Defendants

55. That New York Defendants act(s) of non / mis / malfeasance in omission and or commission of public administration and enforcement duty under color of law or code whereby the Defendant(s) knew or should have known of infringement to deny citizen Plaintiff equal protection among those citizens similarly situated.

**AS AND FOR THE THIRD CAUSE OF ACTION FOR
DEFENDANTS CONSPIRACY TO DENY EQUAL PROTECTION**

56. Plaintiff reasserts each preceding allegations and paragraphs 1 thru 55 as if set forth fully herein as apply by specific reference to the New York Defendants.

57. That New York Defendants act(s) of non / mis / malfeasance in omission and or commission of public administration and enforcement duty under color of law or code whereby the Defendant(s) knew or should have known of infringement conspiracy (defined by 42 USC 1985 and 42 USC 1986) to deny citizen Plaintiff equal protection among those similarly situated.

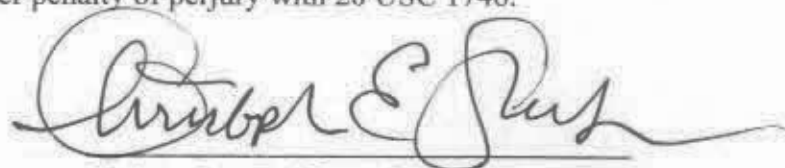
58. That 42 U.S.C. Section 1985 (3) applies herein: in that New York and Other Defendants act with non-citizens before in violation of 8 USC §1324 (Harboring of aliens) facilitated 18 USC §611 (aliens illegally voting) and 18 USC §1091 for the purpose of depriving, either directly or indirectly, any citizen person or citizen class and or citizen persons of the equal protection of the laws, or of equal privileges and immunities under the laws; and

WHEREFORE Petitioner / Plaintiff demands the Court order a:

- A. Prohibitory restraining order of Defendants to cease and desist from acting under color of the RHA or similar directive;
- B. Such other and different relief as the court judges necessary for justice herein

Accordingly, I, Christopher Earl Strunk, state, declare and verify that the above Petition with Complaint is true and correct to the best of my knowledge and belief, and know the contents thereof apply to me by misapplication and administration of laws and that the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true, am available for testimony. The grounds of my beliefs as to all matters not stated upon information and belief are as follows: 3rd parties, books and records, and personal knowledge under penalty of perjury with 28 USC 1746.

Dated: February 13 2019
Lake Luzerne New York



Christopher Earl Strunk, in propria persona
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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

Civil Case

x-----x
In the matter of:

Christopher Earl Strunk, Individually of New York;

Plaintiff, Petitioner

versus

THE STATE OF NEW YORK by ANDREW M. CUOMO, Individually and as Governor;
etal.

Defendants/Respondents.

x-----x

PETITION FOR A PRELIMINARY INJUNCTION with COMPLAINT to restrain until further order of the Court, Defendants imminent infanticide use of the Reproductive Health Act and or reimbursement of New York Defendants as scofflaws aiding and abetting illegal alien residence for unjust enrichment in violation of 8 USC §1324, with 13 USC Sec. 141 /Sec. 195, P.L. 94-171, 18 USC §611 and 2 USC §2a, 2 USC §6, 18 USC §1091 and related law as apply to Governor Cuomo's breach of fiduciary duty under the 1933 Emergency Banking Relief Act and Proclamation 2040 continuing thirty-one (31) emergency orders of the Commander-in-Chief.

EXHIBIT "A"

STATE OF NEW YORK

2796

2017-2018 Regular Sessions

IN SENATE

January 17, 2017

Introduced by Sens. KRUEGER, STEWART-COUSINS, BRESLIN, COMRIE, DILAN, GIANARIS, HOYLMAN, KAMINSKY, LATIMER, MONTGOMERY, PARKER, PERALTA, PERSAUD, RIVERA, SERRANO, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the reproductive health act and revising existing provisions of law regarding abortion; to amend the penal law, the criminal procedure law, the county law and the judiciary law, in relation to abortion; to repeal certain provisions of the public health law relating to abortion; to repeal certain provisions of the education law relating to the sale of contraceptives; and to repeal certain provisions of the penal law relating to abortion

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. The legislature finds that comprehen-
2 sive reproductive health care, including contraception and abortion, is
3 a fundamental component of a woman's health, privacy and equality. The
4 New York Constitution and United States Constitution protect a woman's
5 fundamental right to access safe, legal abortion, courts have repeatedly
6 reaffirmed this right and further emphasized that states may not place
7 undue burdens on women seeking to access such right.
8 Moreover, the legislature finds, as with other medical procedures, the
9 safety of abortion is furthered by evidence-based practices developed
10 and supported by medical professionals; any regulation of medical care
11 must have a legitimate purpose. Abortion is one of the safest medical
12 procedures performed in the United States; the goal of medical regu-
13 lation should be to improve the quality and availability of health care
14 services.
15 Furthermore, the legislature declares that it is the public policy of
16 New York State that every individual possesses a fundamental right of
17 privacy and equality with respect to their personal reproductive deci-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 sions and should be able to safely effectuate those decisions, including
 2 by seeking and obtaining abortion care, free from discrimination in the
 3 provision of health care.

4 Therefore, it is the intent of the legislature to prevent the enforce-
 5 ment of laws or regulations that are not in furtherance of a legitimate
 6 state interest in protecting a woman's health that burden abortion
 7 access.

8 § 2. The public health law is amended by adding a new article 25-A to
 9 read as follows:

10 ARTICLE 25-A
 11 REPRODUCTIVE HEALTH ACT

12 SECTION 2599-AA. ABORTION.

13 § 2599-AA. ABORTION. 1. A HEALTH CARE PRACTITIONER LICENSED, CERTI-
 14 FIED, OR AUTHORIZED UNDER TITLE EIGHT OF THE EDUCATION LAW, ACTING WITH-
 15 IN HIS OR HER LAWFUL SCOPE OF PRACTICE, MAY PERFORM AN ABORTION WHEN,
 16 ACCORDING TO THE PRACTITIONER'S REASONABLE AND GOOD FAITH PROFESSIONAL
 17 JUDGMENT BASED ON THE FACTS OF THE PATIENT'S CASE: THE PATIENT IS WITHIN
 18 TWENTY-FOUR WEEKS FROM THE COMMENCEMENT OF PREGNANCY, OR THERE IS AN
 19 ABSENCE OF FETAL VIABILITY, OR THE ABORTION IS NECESSARY TO PROTECT THE
 20 PATIENT'S LIFE OR HEALTH.

21 2. THIS ARTICLE SHALL BE CONSTRUED AND APPLIED CONSISTENT WITH AND
 22 SUBJECT TO APPLICABLE LAWS AND APPLICABLE AND AUTHORIZED REGULATIONS
 23 GOVERNING HEALTH CARE PROCEDURES.

24 § 3. Section 4164 of the public health law is REPEALED.

25 § 4. Subdivision 8 of section 6811 of the education law is REPEALED.

26 § 5. Sections 125.40, 125.45, 125.50, 125.55 and 125.60 of the penal
 27 law are REPEALED, and the article heading of article 125 of the penal
 28 law is amended to read as follows:

29 HOMICIDE[, ABORTION] AND RELATED OFFENSES

30 § 6. Section 125.00 of the penal law is amended to read as follows:
 31 § 125.00 Homicide defined.

32 Homicide means conduct which causes the death of a person [or an
 33 unborn child with which a female has been pregnant for more than twen-
 34 ty-four weeks] under circumstances constituting murder, manslaughter in
 35 the first degree, manslaughter in the second degree, OR criminally
 36 negligent homicide[, abortion in the first degree or self-abortion in
 37 the first degree].

38 § 7. The section heading, opening paragraph and subdivision 1 of
 39 section 125.05 of the penal law are amended to read as follows:

40 Homicide[, abortion] and related offenses; [definitions of terms]
 41 DEFINITION.

42 The following [definitions are] DEFINITION IS applicable to this arti-
 43 cle:

44 [1.] "Person," when referring to the victim of a homicide, means a
 45 human being who has been born and is alive.

46 § 7-a. Subdivisions 2 and 3 of section 125.05 of the penal law are
 47 REPEALED.

48 § 8. Subdivision 2 of section 125.15 of the penal law is REPEALED.

49 § 9. Subdivision 3 of section 125.20 of the penal law is REPEALED.

50 § 10. Paragraph (b) of subdivision 8 of section 700.05 of the criminal
 51 procedure law, as amended by chapter 368 of the laws of 2015, is amended
 52 to read as follows:

53 (b) Any of the following felonies: assault in the second degree as
 54 defined in section 120.05 of the penal law, assault in the first degree
 55 as defined in section 120.10 of the penal law, reckless endangerment in
 56 the first degree as defined in section 120.25 of the penal law, promot-

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1 ing a suicide attempt as defined in section 120.30 of the penal law,
2 strangulation in the second degree as defined in section 121.12 of the
3 penal law, strangulation in the first degree as defined in section
4 121.13 of the penal law, criminally negligent homicide as defined in
5 section 125.10 of the penal law, manslaughter in the second degree as
6 defined in section 125.15 of the penal law, manslaughter in the first
7 degree as defined in section 125.20 of the penal law, murder in the
8 second degree as defined in section 125.25 of the penal law, murder in
9 the first degree as defined in section 125.27 of the penal law,
10 [abortion in the second degree as defined in section 125.40 of the penal
11 law, abortion in the first degree as defined in section 125.45 of the
12 penal law,] rape in the third degree as defined in section 130.25 of the
13 penal law, rape in the second degree as defined in section 130.30 of the
14 penal law, rape in the first degree as defined in section 130.35 of the
15 penal law, criminal sexual act in the third degree as defined in section
16 130.40 of the penal law, criminal sexual act in the second degree as
17 defined in section 130.45 of the penal law, criminal sexual act in the
18 first degree as defined in section 130.50 of the penal law, sexual abuse
19 in the first degree as defined in section 130.65 of the penal law,
20 unlawful imprisonment in the first degree as defined in section 135.10
21 of the penal law, kidnapping in the second degree as defined in section
22 135.20 of the penal law, kidnapping in the first degree as defined in
23 section 135.25 of the penal law, labor trafficking as defined in section
24 135.35 of the penal law, aggravated labor trafficking as defined in
25 section 135.37 of the penal law, custodial interference in the first
26 degree as defined in section 135.50 of the penal law, coercion in the
27 first degree as defined in section 135.65 of the penal law, criminal
28 trespass in the first degree as defined in section 140.17 of the penal
29 law, burglary in the third degree as defined in section 140.20 of the
30 penal law, burglary in the second degree as defined in section 140.25 of
31 the penal law, burglary in the first degree as defined in section 140.30
32 of the penal law, criminal mischief in the third degree as defined in
33 section 145.05 of the penal law, criminal mischief in the second degree
34 as defined in section 145.10 of the penal law, criminal mischief in the
35 first degree as defined in section 145.12 of the penal law, criminal
36 tampering in the first degree as defined in section 145.20 of the penal
37 law, arson in the fourth degree as defined in section 150.05 of the
38 penal law, arson in the third degree as defined in section 150.10 of the
39 penal law, arson in the second degree as defined in section 150.15 of
40 the penal law, arson in the first degree as defined in section 150.20 of
41 the penal law, grand larceny in the fourth degree as defined in section
42 155.30 of the penal law, grand larceny in the third degree as defined in
43 section 155.35 of the penal law, grand larceny in the second degree as
44 defined in section 155.40 of the penal law, grand larceny in the first
45 degree as defined in section 155.42 of the penal law, health care fraud
46 in the fourth degree as defined in section 177.10 of the penal law,
47 health care fraud in the third degree as defined in section 177.15 of
48 the penal law, health care fraud in the second degree as defined in
49 section 177.20 of the penal law, health care fraud in the first degree
50 as defined in section 177.25 of the penal law, robbery in the third
51 degree as defined in section 160.05 of the penal law, robbery in the
52 second degree as defined in section 160.10 of the penal law, robbery in
53 the first degree as defined in section 160.15 of the penal law, unlawful
54 use of secret scientific material as defined in section 165.07 of the
55 penal law, criminal possession of stolen property in the fourth degree
56 as defined in section 165.45 of the penal law, criminal possession of

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1 stolen property in the third degree as defined in section 165.50 of the
2 penal law, criminal possession of stolen property in the second degree
3 as defined by section 165.52 of the penal law, criminal possession of
4 stolen property in the first degree as defined by section 165.54 of the
5 penal law, trademark counterfeiting in the second degree as defined in
6 section 165.72 of the penal law, trademark counterfeiting in the first
7 degree as defined in section 165.73 of the penal law, forgery in the
8 second degree as defined in section 170.10 of the penal law, forgery in
9 the first degree as defined in section 170.15 of the penal law, criminal
10 possession of a forged instrument in the second degree as defined in
11 section 170.25 of the penal law, criminal possession of a forged instru-
12 ment in the first degree as defined in section 170.30 of the penal law,
13 criminal possession of forgery devices as defined in section 170.40 of
14 the penal law, falsifying business records in the first degree as
15 defined in section 175.10 of the penal law, tampering with public
16 records in the first degree as defined in section 175.25 of the penal
17 law, offering a false instrument for filing in the first degree as
18 defined in section 175.35 of the penal law, issuing a false certificate
19 as defined in section 175.40 of the penal law, criminal diversion of
20 prescription medications and prescriptions in the second degree as
21 defined in section 178.20 of the penal law, criminal diversion of
22 prescription medications and prescriptions in the first degree as
23 defined in section 178.25 of the penal law, residential mortgage fraud
24 in the fourth degree as defined in section 187.10 of the penal law,
25 residential mortgage fraud in the third degree as defined in section
26 187.15 of the penal law, residential mortgage fraud in the second degree
27 as defined in section 187.20 of the penal law, residential mortgage
28 fraud in the first degree as defined in section 187.25 of the penal law,
29 escape in the second degree as defined in section 205.10 of the penal
30 law, escape in the first degree as defined in section 205.15 of the
31 penal law, absconding from temporary release in the first degree as
32 defined in section 205.17 of the penal law, promoting prison contraband
33 in the first degree as defined in section 205.25 of the penal law,
34 hindering prosecution in the second degree as defined in section 205.60
35 of the penal law, hindering prosecution in the first degree as defined
36 in section 205.65 of the penal law, sex trafficking as defined in
37 section 230.34 of the penal law, criminal possession of a weapon in the
38 third degree as defined in subdivisions two, three and five of section
39 265.02 of the penal law, criminal possession of a weapon in the second
40 degree as defined in section 265.03 of the penal law, criminal
41 possession of a weapon in the first degree as defined in section 265.04
42 of the penal law, manufacture, transport, disposition and defacement of
43 weapons and dangerous instruments and appliances defined as felonies in
44 subdivisions one, two, and three of section 265.10 of the penal law,
45 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use
46 of weapons as defined in subdivision two of section 265.35 of the penal
47 law, relating to firearms and other dangerous weapons, or failure to
48 disclose the origin of a recording in the first degree as defined in
49 section 275.40 of the penal law;

50 § 11. Subdivision 1 of section 673 of the county law, as added by
51 chapter 545 of the laws of 1965, is amended to read as follows:

52 1. A coroner or medical examiner has jurisdiction and authority to
53 investigate the death of every person dying within his county, or whose
54 body is found within the county, which is or appears to be:

55 (a) A violent death, whether by criminal violence, suicide or casual-
56 ty;

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1 (b) A death caused by unlawful act or criminal neglect;

2 (c) A death occurring in a suspicious, unusual or unexplained manner;

3 (d) [A death caused by suspected criminal abortion;

4 (e)] A death while unattended by a physician, so far as can be discov-
5 ered, or where no physician able to certify the cause of death as
6 provided in the public health law and in form as prescribed by the
7 commissioner of health can be found;

8 [(f)] (E) A death of a person confined in a public institution other
9 than a hospital, infirmary or nursing home.

10 § 12. Section 4 of the judiciary law, as amended by chapter 264 of the
11 laws of 2003, is amended to read as follows:

12 § 4. Sittings of courts to be public. The sittings of every court
13 within this state shall be public, and every citizen may freely attend
14 the same, except that in all proceedings and trials in cases for
15 divorce, seduction, [abortion,] rape, assault with intent to commit
16 rape, criminal sexual act, bastardy or filiation, the court may, in its
17 discretion, exclude therefrom all persons who are not directly inter-
18 ested therein, excepting jurors, witnesses, and officers of the court.

19 § 13. This act shall take effect immediately.