

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

Civil Case

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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.

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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 "B"



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Fetal Tissue Research: Frequently Asked Questions

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This report provides answers to frequently asked questions concerning the regulation and use of fetal tissue in research, including a description of what constitutes fetal tissue research, uses of fetal tissue for medical purposes, and how such tissue is acquired, along with rules and regulations governing the use and acquisition of fetal tissue.

What is fetal tissue?

Fetal tissue is any tissue or organ obtained from a fetus, which is the product of conception (egg and sperm) from the end of the eighth week of pregnancy onward. Prior to the ninth week, the product of conception is called an embryo.

What is fetal tissue research?

Researchers use fetal tissue to produce cell cultures, also called cell lines, which can be maintained in a laboratory environment for very long periods of time, in some cases indefinitely. Cultured cells mimic many of the properties that they have in a living body, and therefore can be used as a model for researchers studying basic biological processes. Research involving fetuses and fetal tissue has been conducted in the United States since the 1930s, and the National Institutes of Health (NIH) has been supporting research using fetal tissue since the 1950s.¹ NIH spent \$76 million on human fetal tissue research in FY2014, and will spend an estimated \$76 million in FY2015 and \$77 million in FY2016.²

What are the uses of fetal tissue in medicine and medical research?

Fetal tissue has been used “to identify and test the efficacy of vaccines and to examine the toxicity of drugs used by pregnant women. Vaccines for polio, measles, rubella and Rh disease were developed through the use of fetal tissue or cell lines derived from fetal tissue.”³ Human fetal tissue is used to study normal human development in order to gain insight into birth defects and other developmental diseases. Fetal tissue has been used in studies of genetic disease in the early stages of development, including organ formation.

¹ Patricia Donovan, “Funding Restrictions on Fetal Research: The Implications for Science and Health,” *Family Planning Perspectives*, vol. 22, no. 5 (September/October 1990), pp. 224-231; and, Dorothy E. Vawter and Arthur Caplan, “Strange Brew: The Politics and Ethics of Fetal Tissue Transplantation Research in the United States,” *Journal of Laboratory Clinical Medicine*, vol. 120, no. 1 (July 1992), pp. 30-34.

² At http://report.nih.gov/categorical_spending.aspx, putting “human fetal tissue” in the search box reveals the dollar amount spent or estimated by NIH for FY2011- FY2016. Clicking on the dollar amount for FY2011-FY2014 reveals the number of projects as well as details on each research project using human fetal tissue.

³ Donovan, “Funding Restrictions on Fetal Research,” p. 227.

What is human fetal tissue transplantation research?

Since the late 1920s, researchers in several countries, including the United States, “have grafted fetal liver, nerve, thymus and pancreas tissue into children and adults in efforts to reverse various neurological disorders, spinal cord injuries, diabetes, immune deficiencies, cancers and life-threatening blood diseases.”⁴ Perhaps the most widely known application in the field of human fetal tissue transplantation has been the treatment of Parkinson’s disease. The first such attempt, using the transplantation of human fetal brain cells, “took place in 1987 at Lund University in Sweden where the technique was pioneered.”⁵ Although controversial at the time, the approach “produced such striking results in some cases that by 1997 about 200 patients around the world had received the treatment.”⁶ However, because many patients did not benefit from the treatment, and it was unclear why this was the case, an international moratorium was imposed in 2003 on such replacement-therapy trials.⁷

In 2006, a retrospective analysis conducted by the original seven teams that had performed the transplant experiments “worked out that the procedure tended to be most effective in patients who were relatively young and whose disease was at an early stage.”⁸ In addition, “those who benefited the most had at least 100,000 dopamine-producing cells of fetal origin integrated into their brains. Cells from at least three fetuses are needed to achieve these numbers.”⁹ As a result, a new trial—called TRANSEURO, funded by the European Union—is being launched using dopamine-producing cells from fetal brains.¹⁰ The trial was scheduled to begin in July 2014 and expects to enroll 150 patients in the United Kingdom, Sweden, France, and Germany.¹¹

Similar trials involving the implementation of various types of stem cells into individuals with Parkinson’s disease are scheduled to begin in 2016 in Kyoto, Japan (using induced pluripotent stem cells); 2017 in New York; and 2018/2019 in Europe (both using human embryonic stem cells).¹² According to one source, many such human embryonic stem cell (ESC) lines “have now been generated that are well characterized and quality controlled and this includes two human ESC-based sources that have already been approved by the U.S. FDA for early stage clinical trials in humans.”¹³

⁴ Donovan, “Funding Restrictions on Fetal Research,” p. 227; and, Vawter and Caplan, “Strange Brew,” p. 30.

⁵ Allison Abbott, “Fetal-cell revival for Parkinson’s,” *Nature*, vol. 510 (June 12, 2014), pp. 195-196.

⁶ Constance Holden, “Fetal cells again?,” *Science*, vol. 326 (October 16, 2009), pp. 358-359.

⁷ Abbott, “Fetal-cell revival for Parkinson’s,” p. 195.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*, p. 196.

¹¹ *Ibid.* For further information about the trial, see <http://www.transeuro.org.uk/>.

¹² Abbott, “Fetal-cell revival for Parkinson’s,” p. 196.

¹³ Janelle Drouin-Ouellet and Roger A. Barker, “Stem cell therapies for Parkinson’s disease: are trials just around the corner?,” *Regenerative Medicine*, vol. 9, no. 5 (2014), pp. 553-555.

How is fetal tissue acquired for research?

Fetal tissue used in research is obtained from elective abortions. Under certain rare circumstances, fetal tissue may also be obtained from a miscarriage, also called a spontaneous abortion, or following the removal of an ectopic pregnancy, which occurs when an embryo has implanted outside the uterus. Because the timing or recognition of a spontaneous abortion or ectopic pregnancy is unpredictable, and both conditions may result in a serious health emergency for the woman, the fetal tissue collected under these circumstances is often not suitable for research purposes.

According to a Government Accountability Office (GAO) report published in October 2000, most biomedical researchers at that time obtained human fetal tissue from a “central tissue supplier”; three identified as receiving NIH funding included the Birth Defects Laboratory at the University of Washington, the Brain and Tissue Banks for Developmental Disorders at the University of Maryland, and the University of Miami School of Medicine/Children’s Hospital of Orange County.¹⁴ According to a 1992 journal article, NIH had funded such a center for collecting fetal tissue for many years.¹⁵ Another source of human fetal tissue mentioned in the GAO report was “private, nonprofit central tissue supply organizations that did not directly receive federal funds.”¹⁶ Those identified by GAO in 2000 were Advanced Bioscience Resources, Inc. (Alameda, CA), and the Albert Einstein College of Medicine Human Tissue Repository (New York, NY). Alternatively, some researchers obtained fetal tissue directly from an academic medical center hospital or a health clinic.¹⁷

A recent media article states that “many researchers buy tissue from two small California companies,” StemExpress, in Placerville, and Advanced Bioscience Resources Inc. (ABR), in Alameda, “a nonprofit that has 12 employees and recent sales of about \$1.4 million.”¹⁸ According to the article, fetal tissue accounted for about 10% of StemExpress’s business and the tissue “has been used in studies of leukemia, Hodgkin’s lymphoma and Parkinson’s disease.”¹⁹

Can fetal tissue be sold for research purposes?

Under the NIH Revitalization Act of 1993, it is “unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.”²⁰ While this provision prohibits the sale or purchase of fetal tissue itself, the term *valuable consideration* “does not include reasonable payments associated with the

¹⁴ U.S. General Accounting Office, *Human Fetal Tissue: Acquisition for Federally Funded Biomedical Research*, GAO-01-65R, October 4, 2000, p. 4.

¹⁵ Vawter and Caplan, “Strange Brew,” p. 30.

¹⁶ U.S. General Accounting Office, *Human Fetal Tissue: Acquisition for Federally Funded Biomedical Research*, GAO-01-65R, October 4, 2000, p. 5.

¹⁷ U.S. General Accounting Office, *Human Fetal Tissue: Acquisition for Federally Funded Biomedical Research*, GAO-01-65R, October 4, 2000, pp. 4-5.

¹⁸ Denise Grady and Nicholas St. Fleur, “Shadowy Trade in Fetal Tissue,” *The New York Times*, July 28, 2015, pp. D1, D3.

¹⁹ *Ibid.*

²⁰ PHS Act §498B; 42 U.S.C. §289g-2(a).

transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.”²¹ Thus, tissue companies may charge researchers to recover the costs associated with these types of activities.

Persons violating these provisions shall be subject to fines, imprisonment for not more than 10 years, or both.²² Violations involving the payment of valuable consideration shall result in fines reflecting not less than twice the amount of the valuable consideration received.²³

According to the founder of StemExpress, the fetal cells are difficult to isolate and involve “expensive processes that take millions of dollars of equipment. Just to attempt to do some of these isolations can cost us thousands of dollars, and it may not even work.”²⁴ As an illustration of just how expensive, “a vial containing five million frozen fetal liver CD133+ stem cells can cost more than \$24,000 ... and an overnight shipment to Germany, for example, can cost thousands of dollars.”²⁵ Another supplier of fetal tissue, ABR, charged “\$300 a specimen for tissue from a second-trimester fetus, and \$515 if the fetus was first-trimester,” according to a 2013 price sheet.²⁶

Who investigates the illegal sale of fetal tissue?

On the federal level, the Department of Justice, and more specifically the Federal Bureau of Investigation (FBI), would open investigations into individuals and entities suspected of violating federal law with respect to the illegal sale, or trafficking, of human fetal tissue and other organs. As noted earlier, federal law prohibits the sale or purchase of human fetal tissue in interstate commerce.²⁷ In 2000, the FBI reportedly investigated a Kansas clinic affiliated with Planned Parenthood for allegedly selling—and profiting from the sale of—fetal tissue; ultimately, no laws were found to have been broken.²⁸

What federal regulations govern the collection and use of fetal tissue for research?

Federal law permits the Department of Health and Human Services (HHS) to fund *research on new therapies that involve the transplantation of human fetal tissue* using tissue derived from an elective or spontaneous abortion, or from a stillbirth.²⁹ However, human fetal tissue may be used for such purposes only if the following conditions are met:

²¹ PHS Act §498B; 42 U.S.C. §289g-2(e)(3).

²² 42 U.S.C. §289g-2(c)(1).

²³ 42 U.S.C. §289g-2(c)(2).

²⁴ Grady and St. Fleur, “Shadowy Trade in Fetal Tissue,” p. D3.

²⁵ Ibid. See also a StemExpress price list at <http://stemexpress.com/product-category/fetal-liver/>.

²⁶ Ibid.

²⁷ PHS Act §498B; 42 U.S.C. §289g-2(a).

²⁸ Sandhya Somashekhar and Danielle Paquette, “Undercover video shows Planned Parenthood Official Discussing Fetal Organs Used for Research,” *The Washington Post*, July 14, 2015.

²⁹ PHS Act §498A(a); 42 U.S.C. §289g-1(a).

- The woman must provide her written consent that she is donating the fetal tissue for research, that the donation is being made without any restrictions on who may receive the tissue, and that she has not been informed of the identity of any such recipients.³⁰
- The attending physician must declare in writing that, in the case of an induced abortion (1) the woman's consent for the abortion was obtained prior to requesting or obtaining consent to donate the fetal tissue for research; (2) the timing, method, or procedures used to terminate the pregnancy were not altered in order to obtain the tissue; and (3) the abortion was performed in accordance with applicable state law. In addition, the attending physician must declare that the tissue has been donated with the woman's consent and that the woman has been fully informed of the physician's interest, if any, in the research, and of any medical or privacy risks associated with the tissue donation.³¹
- The principal researcher must declare in writing that (1) he or she is aware that the tissue is human fetal tissue that may have been obtained from an elective or spontaneous abortion, or a stillbirth, and that it was donated for the purposes of research; and (2) prior to obtaining the informed consent of a research subject to be a recipient of the transplanted tissue (see discussion of Common Rule, below), he or she will provide the same information about the fetal tissue to the research subject and get written acknowledgement of receipt of such information.³²

In addition to the above statutory requirements, fetal tissue research that involves human subjects is subject to the Common Rule.³³ Under the Common Rule, research protocols must be approved by an Institutional Review Board (IRB) to ensure that the rights and welfare of the research subjects are protected.³⁴

The Common Rule lists several criteria for IRB approval, including the requirement that researchers obtain the informed consent of their research subjects.³⁵ In addition, it sets out the types of information that must be provided to prospective research subjects during the informed consent process, including an explanation of the purpose of the research, a description of the research procedures, and a description of the risks and benefits of the research.³⁶ An IRB may decide to waive the informed consent requirement if it determines that (1) the research poses no more than minimal risk to the subjects, (2) the waiver will not adversely affect the rights and welfare of the subjects, and (3) the research is not practicable without a waiver.³⁷

If the human fetal tissue to be used in the research is identifiable, such that information associated with the material links it to one or more living individuals (which often may be the case), then

³⁰ PHS Act §498A(b)(1); 42 U.S.C. §289g-1(b)(1).

³¹ PHS Act §498A(b)(2); 42 U.S.C. §289g-1(b)(2).

³² PHS Act §498A(c); 42 U.S.C. §289g-1(c).

³³ The Common Rule is the informal name given to core federal regulations governing the protection of human subjects in research supported or conducted by the federal government. The regulations were first promulgated by HHS at 45 C.F.R. Part 46, Subpart A.

³⁴ 45 C.F.R. §46.109.

³⁵ 45 C.F.R. §46.111(a)(4).

³⁶ 45 C.F.R. §46.116(a).

³⁷ 45 C.F.R. §46.116(d).

those individuals also become research subjects under the Common Rule.³⁸ Thus, an IRB may have to review the protocol for collecting and testing the human fetal tissue, and the woman who is donating the tissue may have to provide informed consent (unless waived by the IRB).

The researchers must also obtain prior approval from the Food and Drug Administration (FDA) by filing an Investigational New Drug (IND) application if the research is testing a new diagnostic or therapeutic intervention that the researchers hope will receive FDA marketing approval. One of the IND requirements is that the researchers obtain IRB approval.

Importantly, if the purpose of the human fetal tissue research is simply to acquire new biomedical knowledge, and it is not being conducted under an IND or involving human research subjects, then the research is not subject to the Common Rule or FDA regulation.

Finally, the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule applies if the researchers want access to medical information about the woman from whose fetus the fetal tissue was obtained. Under the Privacy Rule, an individual's medical information may not be used or disclosed for research without the individual's written authorization unless an IRB (or equivalent Privacy Board) waives the authorization based on certain specified criteria.³⁹

What federal regulations govern the clinical use of fetal tissue?

Currently, fetal tissue is not being used in any clinical applications involving transplantation. Any such therapeutic use of human fetal tissue that received approval from the FDA would be regulated under the agency's Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps) regulations.⁴⁰ An HCT/P is an article "containing or consisting of human cells and tissues that are intended for implantation, transplantation, infusion, or transfer into a human recipient."⁴¹ HCT/Ps include bone, ligament, skin, dura mater, heart valves, cornea, hematopoietic stem/progenitor cells derived from peripheral and cord blood, and semen or other reproductive tissue.⁴²

FDA regulates HCT/Ps primarily under its general authority to control the spread of communicable diseases.⁴³ The HCT/P regulations are focused on (1) preventing the use of contaminated cells and tissues with the potential for transmitting infectious diseases, (2) preventing the improper handling or processing of cells and tissues that might contaminate or damage them, and (3) ensuring the clinical safety and effectiveness of cells and tissues.

³⁸ 45 C.F.R. §46.206.

³⁹ 45 C.F.R. §164.512(i).

⁴⁰ 21 C.F.R. Part 1271.

⁴¹ 21 C.F.R. §1271.3.

⁴² *Ibid.* HCT/Ps do not include vascularized human organs for transplantation, which are regulated by the Health Resources and Services Administration (HRSA). Nor do they include plasma and blood or derivative products regulated by FDA under 21 C.F.R. Parts 606, 607, 630, and 640.

⁴³ PHS Act §361; 42 U.S.C. §264.

The regulations require establishments that recover, handle, store, and distribute HCT/Ps for clinical purposes to register with FDA and submit a list of their products.⁴⁴ The regulations also establish eligibility criteria for donors of HCT/Ps, including donor screening and testing.⁴⁵ Finally, the regulations include a set of good tissue practices (GTPs) that govern the methods, facilities, and controls used to deal with HCT/Ps.⁴⁶ The GTPs address personnel, procedures, environmental control and monitoring, equipment, supplies and reagents, recovery, processing and process controls, storage, shipment and distribution, records, tracking, and complaints.

Is the system for collecting non-fetal organs and tissue different from that for fetal tissue?

The federal government has established policies and a system for procuring organs that are separate from policies for the acquisition of fetal tissue. Organs are procured (or acquired) from living persons or cadavers. An organ is “[a] human kidney, liver, heart, lung, pancreas, or intestine (including the esophagus, stomach, small or large intestine, or any portion of the gastrointestinal tract), or vascularized composite allograft.” The National Organ Transplant Act (NOTA of 1984; P.L. 98-507) created the Organ Procurement and Transplantation Network (OPTN), which is the federally supported system for organ sharing in the United States. The Health Resources and Services Administration (HRSA) oversees organ procurement by way of the OPTN’s operations.

Does the Department of Veterans Affairs (VA) allow the use of human fetal tissue in research conducted by VA researchers?

No. The Veterans Health Administration (VHA) states that “research in which the focus is either a fetus, or human fetal tissue, in-utero or ex-utero (or uses human fetal tissue), cannot be conducted by VA [researchers] while on official duty, at VA facilities, or at VA-approved off-site facilities.”⁴⁷ Additionally, the use of stem cells are governed by the policy set by NIH for recipients of NIH research funding.

Does the Department of Defense use fetal tissue in medical research?

No. The Department of Defense medical research programs are not using fetal tissue in medical research at this time. However, there is not a blanket ban on the use of such tissue. Under

⁴⁴ 21 C.F.R. Part 127I, Subpart B.

⁴⁵ 21 C.F.R. Part 127I, Subpart C.

⁴⁶ 21 C.F.R. Part 127I, Subpart D.

⁴⁷ Department of Veterans Affairs, Veterans Health Administration, “Requirements for the Protection of Human Subjects in Research,” VHA Handbook 1200.05, November 12, 2014.

Department of Defense Instruction 3216.02, entitled Protection of Human Subjects and Adherence to Ethical Standards in DOD-Supported Research, any “research involving human subjects using fetal tissue shall comply with sections 289g–289g-2” of title 42, United States Code.⁴⁸

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⁴⁸ <http://www.dtic.mil/whs/directives/corres/pdf/321602p.pdf>.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

Civil Case

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In the matter of:

Christopher Earl Strunk, Individually of New York;

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versus

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

Defendants/Respondents.

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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 "C"

Federal Register

Vol. 83, No. 243

Wednesday, December 19, 2018

Presidential Documents

Title 3—

Notice of December 18, 2018

The President

Continuation of the National Emergency With Respect to Serious Human Rights Abuse and Corruption

On December 20, 2017, by Executive Order 13818, the President declared a national emergency with respect to serious human rights abuse and corruption around the world and, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), took related steps to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The prevalence and severity of human rights abuse and corruption that have their source, in whole or in substantial part, outside the United States, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared on December 20, 2017, must continue in effect beyond December 20, 2018. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13818 with respect to serious human rights abuse and corruption.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
December 18, 2018.

[FR Doc. 2018-27660

Filed 12-18-18; 11:15 am]

Billing code 3295-F9-P

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

Civil Case

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In the matter of:

Christopher Earl Strunk, Individually of New York;

Plaintiff, Petitioner

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

1. Continuation of the National Emergency With Respect to Serious Human Rights Abuse and Corruption by the Executive Office of the President on 12/19/2018.
... December 18, 2018 Continuation of the National Emergency With Respect to Serious ...
the national emergency declared on December 20, 2017, must continue in effect ...
National Emergencies Act...
2. Continuation of the National Emergency With Respect to Burundi by the Executive Office of the President on 11/19/2018. ... November 16, 2018 Continuation of the
National Emergency With Respect to Burundi ... region. The situation in
Burundi continues to pose an unusual and ... National Emergencies Act (50 U.S.C.
1622(d)), I am<="" p="" style="box-sizing: border-box;">
3. Continuation of the National Emergency With Respect to Iran by the Executive Office of the President on 11/09/2018.... November 8, 2018 Continuation of the
National Emergency With Respect to Iran ... date to deal with that emergency,
must continue in effect beyond November ... National Emergencies Act (50 U.S.C....
4. Continuation of the National Emergency With Respect to the Proliferation of Weapons of Mass Destruction by the Executive Office of the President on 11/09/2018.
... November 8, 2018 Continuation of the National Emergency With Respect to the ... of
delivering such weapons must continue beyond November 14, 2018. Therefore ...
National Emergencies Act (50 U.S.C. 1622(d)), I am<="" p="" style="box-sizing: border-box;">
5. Continuation of the National Emergency With Respect to Sudan by the Executive Office of the President on 11/02/2018.... October 31, 2018 Continuation of the
National Emergency With Respect to Sudan ... national emergency with respect to Sudan
pursuant to the International EmergencyEconomic ... resolved. These actions and
policies<="" p="" style="box-sizing: border-box;">
6. Continuation of the National Emergency With Respect to the Democratic Republic of the Congo by the Executive Office of the President on 10/26/2018.... October 25,
2018 Continuation of the National Emergency With Respect to the ... adopted to deal with

that emergency, must continue in effect beyond October ... National Emergencies Act (50 U.S.C....

7. Continuation of the National Emergency With by the Executive Office of the President on 10/18/2018.... October 17, 2018 Continuation of the National Emergency With Respect to Significant ... thereto to deal with that emergency, must continue in effect beyond October ... National Emergencies Act (50...
8. Continuation of the National Emergency With Respect to Persons Who Commit, Threaten To Commit, or Support Terrorism by the Executive Office of the President on 09/20/2018.... September 19, 2018 Continuation of the National Emergency With Respect to Persons ... date to deal with that emergency, must continue in effect beyond September ... National Emergencies Act (50...
9. Continuation of the National Emergency With Respect to Certain Terrorist Attacks by the Executive Office of the President on 09/12/2018. ... September 10, 2018 Continuation of the National Emergency With Respect to Certain Because the terrorist threat continues, the national emergency declared on September 14 ... emergency must...
10. Continuation of the National Emergency With Respect to Export Control Regulations by the Executive Office of the President on 08/13/2018.... August 8, 2018 Continuation of the National Emergency With Respect to Export ... , the national emergency declared on August 17, 2001, must continue in effect ... National Emergencies Act (50...
11. Continuation of the National Emergency With Respect to Lebanon by the Executive Office of the President on 07/31/2018.... July 27, 2018 Continuation of the National Emergency With Respect to Lebanon ... date to deal with that emergency, must continue in effect beyond August ... National Emergencies Act (50 U.S.C....
12. Continuation of the National Emergency With Respect to Transnational Criminal Organizations by the Executive Office of the President on 07/23/2018.... July 20, 2018 Continuation of the National Emergency With Respect to Transnational ... date to deal with that emergency, must continue in effect beyond July ... National Emergencies Act (50 U.S.C....
13. Continuation of the National Emergency With Respect to North Korea by the Executive Office of the President on 06/25/2018.... June 22, 2018 Continuation of the National Emergency With Respect to North ... to deal with that national emergency, must continue in effect beyond June ... National Emergencies Act (50 U.S.C....
14. Continuation of the National Emergency With Respect to the Western Balkans by the Executive Office of the President on 06/25/2018.... June 22, 2018 Continuation of the National Emergency With Respect to the ... thereafter to deal with that emergency, must continue in effect beyond June ... National Emergencies Act (50 U.S.C....

15. Continuation of the National Emergency With Respect to the Actions and Policies of Certain Members of the Government of Belarus and Other Persons To Undermine Democratic Processes or Institutions of Belarus by the Executive Office of the President on 06/12/2018.... June 8, 2018 Continuation of the National Emergency With Respect to the ... date to deal with that emergency, must continue in effect beyond June ... National Emergencies Act (50 U.S.C. 1622(d)),...
16. Continuation of the National Emergency With Respect to the Stabilization of Iraq by the Executive Office of the President on 05/21/2018.... May 18, 2018 Continuation of the National Emergency With Respect to the ... , and economic institutions in Iraq continue to pose an unusual and ... National Emergencies Act (50 U.S.C. 1622(d)), I am<="" p="" style="box-sizing: border-box;">
17. Continuation of the National Emergency With Respect to Yemen by the Executive Office of the President on 05/15/2018.... May 14, 2018 Continuation of the National Emergency With Respect to Yemen ... 's peace, security, and stability continue to pose an unusual and ... National Emergencies Act (50 U.S.C. 1622(d)), I am<="" p="" style="box-sizing: border-box;">
18. Continuation of the National Emergency With Respect to the Central African Republic by the Executive Office of the President on 05/11/2018.... May 10, 2018 Continuation of the National Emergency With Respect to the ... to the Central African Republic continues to pose an unusual and ... National Emergencies Act (50 U.S.C. 1622(d)), I am<="" p="" style="box-sizing: border-box;">
19. Continuation of the National Emergency With Respect to the Actions of the Government of Syria by the Executive Office of the President on 05/10/2018.
... May 9, 2018 Continuation of the National Emergency With Respect to the ... National Emergencies Act, 50 U.S.C. 1622(d), I am continuing ... for 1 year the national emergency declared with respect...
20. Continuation of the National Emergency With Respect to Somalia by the Executive Office of the President on 04/05/2018. ... April 4, 2018 Continuation of the National Emergency With Respect to Somalia ... , to deal with that emergency, must continue in effect beyond April 12 ... National Emergencies Act (50 U.S.C....
21. Continuation of the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities by the Executive Office of the President on 03/28/2018 ... March 27, 2018 Continuation of the National Emergency With Respect to Significant ... , the national emergency declared on April 1, 2015, must continue in effect ... National Emergencies Act (50...
22. Continuation of the National Emergency With Respect to South Sudan by the Executive Office of the President on 03/28/2018.... March 27, 2018 Continuation of the National Emergency With Respect to South ... deal with that threat must continue in effect

beyond April 3 ... National Emergencies Act (50 U.S.C. 1622(d)), I am<="" p="" style="box-sizing: border-box;">

23. Continuation of the National Emergency With Respect to Iran by the Executive Office of the President on 03/14/2018.... March 12, 2018 Continuation of the National Emergency With Respect to Iran ... , the national emergency declared on March 15, 1995, must continue in effect ... National Emergencies Act (50 U.S.C....
24. Continuation of the National Emergency With Respect to Ukraine by the Executive Office of the President on 03/05/2018.... March 2, 2018 Continuation of the National Emergency With Respect to Ukraine ... , to deal with that emergency, must continue in effect beyond March 6 ... National Emergencies Act (50 U.S.C....
25. Continuation of the National Emergency With Respect to Zimbabwe by the Executive Office of the President on 03/05/2018.... March 2, 2018 Continuation of the National Emergency With Respect to Zimbabwe ... , to deal with that emergency must continue in effect beyond March 6 ... National Emergencies Act (50 U.S.C....
26. Continuation of the National Emergency With Respect to Venezuela by the Executive Office of the President on 03/05/2018.... March 2, 2018 Continuation of the National Emergency With Respect to Venezuela ... have not improved, and they continue to pose an unusual and ... National Emergencies Act (50 U.S.C. 1622(d)), I am<="" p="" style="box-sizing: border-box;">
27. Modifying and Continuing the National Emergency With Respect to Cuba and Continuing To Authorize the Regulation of the Anchorage and Movement of Vessels by the Executive Office of the President on 02/23/2018.... Modifying and Continuing the National Emergency With Respect to Cuba and Continuing To ... of the need to continue the national emergency based on a disturbance ... the United States, hereby<="" p="" style="box-sizing: border-box;">
28. Continuation of the National Emergency With Respect to Libya by the Executive Office of the President on 02/12/2018. ... February 9, 2018 Continuation of the National Emergency With Respect to Libya ... , the national emergency declared on February 25, 2011, must continue in effect ... National Emergencies Act (50...
29. Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process by the Executive Office of the President on 01/18/2018. ... January 17, 2018 Continuation of the National Emergency With Respect to Terrorists ... adopted to deal with that emergency must continue in effect beyond January ... Emergencies Act (50 U.S.C....
30. Authorizing the Implementation of Certain Sanctions Set Forth in the Countering America's Adversaries Through Sanctions Act by the Executive Office of the President on 09/21/2018. ... of America, including the

International Emergency Economic Powers Act (50 U ... not designate, or permit the continuation of any prior designation of ... Council Travel Bans and International Emergency Economic Powers Act Sanctions); or

31. Reimposing Certain Sanctions With Respect to Iran by the Executive Office of the President on 08/07/2018.... denying designation, or terminating the continuation of any prior designation of ... Council Travel Bans and International Emergency Economic Powers Act Sanctions). Sec ... —pursuant to this order, which continues in effect certain sanctions set...

**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 "E"

Landing page **ABOUT PRIVATE AMERICAN CITIZEN**

This is a joint statement by Christopher Earl: Strunk, in esse sui juris, and Eric Jon: Phelps, in esse sui juris, on our intended effective use of this 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.

Members must be previously certified (will be credited upon presentment of Status Documents) or be duly certified and registered with the Secretary of Treasury (SOT) and Commander-in-Chief (CINC) whose authority is over the present military government's agencies that currently function under the Congressional *Emergency Banking Relief Act* ⁽¹⁾ by application of the 1917 *Trading with the Enemy Act* ⁽²⁾ brought inland with the Franklin Delano Roosevelt (FDR) PROCLAMATION 2040 on 9 March 1933 ⁽³⁾ said temporary national banking emergency / state of war having been anticipated by the 1908 *Aldrich-Vreeland Act* ⁽⁴⁾ in conjunction with the 1927 *McFadden Act* ⁽⁵⁾ making the Federal Reserve Charter perpetual, absent actual fraud, purposed to finance foreign wars; and,

Further, that when the prospective applicant understands the intent and purpose of this Website he / she may register by pressing on the picture of Andrew Jackson below to enter into a bilateral contract with individual compliance responsibilities to become a future member / associate in cooperation with an elected board of directors who administer compliance with a reasonable annual fee based member Status certification with annual equity due under the laws of the State of New York and related law as apply; and,

Further, we jointly intend that the registrant and subsequent applicant agrees in good faith to facilitate their use of this Website to complete the five (5) incremental fee-based stages of registration, Instruction with subsections, Application with subsections, Filing with subsections not to exceed a \$100 fee each, not including printing, filing and

¹ The **Emergency Banking Act** (the official title of which was the **Emergency Banking Relief Act**), Public Law 1, 48 Stat. 1 (March 9, 1933), was an act passed by the United States Congress in March 1933 in an attempt to stabilize the banking system.

² The **Trading with the Enemy Act** (TWEA) of 1917 (40 Stat. 411, enacted 6 October 1917, codified at 12 U.S.C. §§ 95a-95b and 50 U.S.C. App. §§ 1-44) is a United States federal law to restrict trade with countries hostile to the United States.

³ **Presidential Emergency Powers: The current So-Called "War Powers Act of 1933"** see congressionalresearch.com/95-753/document.php Roosevelt's proclamation of national emergency has been effectively ... basis of this expansive statutory authority, the President in Proclamation No. 2040

⁴ The **Aldrich-Vreeland Act** was passed in response to the Panic of 1907 and established the National Monetary Commission, which recommended the Federal Reserve Act of 1913.

⁵ The **McFadden Act** is a United States federal law, named after Louis Thomas **McFadden**, member of the United States House of Representatives and Chairman of the United States House Committee on Banking and Currency, enacted in 1927 from recommendations made by former Comptroller of the Currency Henry May Dawes.

postal expenses to become a certified cooperative member in compliance at each stage; and,

Further, that initial registration shown at the image of Andrew Jackson is an acknowledgment that we need to enable restoration of the non-military, limited, civilian national government created by the Constitution for the United States of America, a limited REPUBLIC, whose each State of the several sovereign States inures to **We the People**, and who are only those "Pre-March 9, 1933" Private National American Citizens of the United States of America . . . Versus . . . the present temporary MILITARY EMPIRE of 12 USC §95a with 50 USC App. §5(b) (CHAPTER 53) under Proclamation 2040 declaring a national banking emergency / state of war using each "U.S. Citizen" Surety Indenture to hypothecate Debt for the emergency(ies), and that a registrant voluntarily acts to cease being the Surety Indenture by public filings according to law and keeps with provisions of the English *AV1611 King James Version of Bible*, specifically **Proverbs 11:15**.

Further, as neither Undersigned is an attorney, and there is no offer of legal advice per se other than to expect an applicant to read and understand provisions of instruction and testing in good faith, the very fact(s) or act(s) cited within apply to each individual particular circumstance that may in all probability vary accordingly; and,

Furthermore, we jointly intend that this Website be publicly available to all "U.S. Citizen" Surety Indentures under State / Federal law and the Uniform Commercial Code. However, because of the confidential nature of material presented as each stage must be kept secure, there is limited access only to those registered applicants or qualified members and that first-time entry registration requires a one-time \$20 fee payment by Paypal to obtain an individual password to be used for every subsequent re-entry.

Christopher Earl Strunk 6/17/2018

Christopher Earl: Strunk, Director
c/o 315 Flatbush Avenue PMB 102
Brooklyn, New York
ZIP Code Excepted [11217]

Eric Jon Phelps 6/21/2018

Eric Jon: Phelps, Director
203 South Fort Zellers Road
Newmanstown, Pennsylvania
ZIP Code Excepted [17073]



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 "F"

duct or operate any gambling device, or to induce, entice, solicit, or permit any person to bet or play at any such establishment.

if such gambling ship is on the high seas, or is an American vessel or otherwise under or within the jurisdiction of the United States, and is not within the jurisdiction of any State.

(b) Whoever violates the provisions of subsection (a) of this section shall be fined under this title or imprisoned not more than two years, or both.

(c) Whoever, being (1) the owner of an American vessel, or (2) the owner of any vessel under or within the jurisdiction of the United States, or (3) the owner of any vessel and being an American citizen, shall use, or knowingly permit the use of, such vessel in violation of any provision of this section shall, in addition to any other penalties provided by this chapter, forfeit such vessel, together with her tackle, apparel, and furniture, to the United States.

(Added May 24, 1949, ch. 139, §23, 63 Stat. 92; amended Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

§ 1083. Transportation between shore and ship; penalties

(a) It shall be unlawful to operate or use, or to permit the operation or use of, a vessel for the carriage or transportation, or for any part of the carriage or transportation, either directly or indirectly, of any passengers, for hire or otherwise, between a point or place within the United States and a gambling ship which is not within the jurisdiction of any State. This section does not apply to any carriage or transportation to or from a vessel in case of emergency involving the safety or protection of life or property.

(b) The Secretary of the Treasury shall prescribe necessary and reasonable rules and regulations to enforce this section and to prevent violations of its provisions.

For the operation or use of any vessel in violation of this section or of any rule or regulation issued hereunder, the owner or charterer of such vessel shall be subject to a civil penalty of \$200 for each passenger carried or transported in violation of such provisions, and the master or other person in charge of such vessel shall be subject to a civil penalty of \$300. Such penalty shall constitute a lien on such vessel, and proceedings to enforce such lien may be brought summarily by way of libel in any court of the United States having jurisdiction thereof. The Secretary of the Treasury may mitigate or remit any of the penalties provided by this section on such terms as he deems proper.

(Added May 24, 1949, ch. 139, §23, 63 Stat. 92.)

§ 1084. Transmission of wagering information; penalties

(a) Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers

or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined under this title or imprisoned not more than two years, or both.

(b) Nothing in this section shall be construed to prevent the transmission in interstate or foreign commerce of information for use in news reporting of sporting events or contests, or for the transmission of information assisting in the placing of bets or wagers on a sporting event or contest from a State or foreign country where betting on that sporting event or contest is legal into a State or foreign country in which such betting is legal.

(c) Nothing contained in this section shall create immunity from criminal prosecution under any laws of any State.

(d) When any common carrier, subject to the jurisdiction of the Federal Communications Commission, is notified in writing by a Federal, State, or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information in interstate or foreign commerce in violation of Federal, State or local law, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any common carrier for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State or local tribunal or agency, that such facility should not be discontinued or removed, or should be restored.

(e) As used in this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory or possession of the United States.

(Added Pub. L. 87-216, §2, Sept. 13, 1961, 75 Stat. 491; amended Pub. L. 100-690, title VII, §7024, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 101-647, title XII, §1205(g), Nov. 29, 1990, 104 Stat. 4831; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

1990—Subsec. (e). Pub. L. 101-647 inserted “commonwealth,” before “territory or possession of the United States”.

1988—Subsec. (b). Pub. L. 100-690, §7024(a), inserted “or foreign country” after “State” in two places.

Subsec. (c). Pub. L. 100-690, §7024(b)(2), struck out “, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia” after “State”.

Subsec. (e). Pub. L. 100-690, §7024(b)(1), added subsec. (e).

CHAPTER 50A—GENOCIDE

Sec.
1091.

Genocide.

Sec.	
1092.	Exclusive remedies.
1093.	Definitions.

§ 1091. Genocide

(a) **BASIC OFFENSE.**—Whoever, whether in time of peace or in time of war and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

- (1) kills members of that group;
- (2) causes serious bodily injury to members of that group;
- (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- (5) imposes measures intended to prevent births within the group; or
- (6) transfers by force children of the group to another group;

shall be punished as provided in subsection (b).

(b) **PUNISHMENT FOR BASIC OFFENSE.**—The punishment for an offense under subsection (a) is—

- (1) in the case of an offense under subsection (a)(1), where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both; and
- (2) a fine of not more than \$1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

(c) **INCITEMENT OFFENSE.**—Whoever directly and publicly incites another to violate subsection (a) shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

(d) **ATTEMPT AND CONSPIRACY.**—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

(e) **JURISDICTION.**—There is jurisdiction over the offenses described in subsections (a), (c), and (d) if—

- (1) the offense is committed in whole or in part within the United States; or
- (2) regardless of where the offense is committed, the alleged offender is—
 - (A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));
 - (B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));
 - (C) a stateless person whose habitual residence is in the United States; or
 - (D) present in the United States.

(f) **NONAPPLICABILITY OF CERTAIN LIMITATIONS.**—Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.

(Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3045; amended Pub. L. 103-322, title VI, §60003(a)(13), Sept. 13, 1994, 108 Stat. 1970; Pub. L. 107-273, div. B, title IV, §4002(a)(4), (b)(7), Nov. 2, 2002, 116 Stat. 1806, 1808; Pub. L. 110-151, §2, Dec. 21, 2007, 121 Stat. 1821; Pub. L. 111-122, §3(a), Dec. 22, 2009, 123 Stat. 3481.)

AMENDMENTS

2009—Subsec. (a), Pub. L. 111-122, §3(a)(1), struck out “, in a circumstance described in subsection (d)” before “and with the specific” in introductory provisions and “or attempts to do so,” before “shall be punished” in concluding provisions.

Subsec. (c), Pub. L. 111-122, §3(a)(2), struck out “in a circumstance described in subsection (d)” before “directly”.

Subsecs. (d) to (f), Pub. L. 111-122, §3(a)(3), (4), added subsecs. (d) to (f) and struck out former subsecs. (d) and (e) which related to the required circumstance for offenses referred to in subsecs. (a) and (c) and nonapplicability of certain limitations, respectively.

2007—Subsec. (d), Pub. L. 110-151 added subsec. (d) and struck out former subsec. (d). Text of former subsec. (d) read as follows: “The circumstance referred to in subsections (a) and (c) is that—

“(1) the offense is committed within the United States; or

“(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).”

2002—Subsec. (b)(1), Pub. L. 107-273, §4002(b)(7), substituted “subsection (a)(1),” for “subsection (a)(1).”

Pub. L. 107-273, §4002(a)(4), made technical correction to directory language of Pub. L. 103-322. See 1994 Amendment note below.

1994—Subsec. (b)(1), Pub. L. 103-322, as amended by Pub. L. 107-273, §4002(a)(4), substituted “, where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both,” for “a fine of not more than \$1,000,000 and imprisonment for life.”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(a)(4), Nov. 2, 2002, 116 Stat. 1806, provided that the amendment made by section 4002(a)(4) is effective Sept. 13, 1994.

SHORT TITLE

Section 1 of Pub. L. 100-606 provided that: “This Act [enacting this chapter] may be cited as the ‘Genocide Convention Implementation Act of 1987 (the Proxmire Act).’”

§ 1092. Exclusive remedies

Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

(Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

§ 1093. Definitions

As used in this chapter—

(1) the term “children” means the plural and means individuals who have not attained the age of eighteen years;

(2) the term “ethnic group” means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

(3) the term “incites” means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

(4) the term “members” means the plural;

(5) the term “national group” means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

(6) the term "racial group" means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

(7) the term "religious group" means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

(8) the term "substantial part" means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.

(Added Pub. L. 100-606, §2(a), Nov. 4, 1988, 102 Stat. 3046.)

CHAPTER 51—HOMICIDE

Sec.	
1111.	Murder.
1112.	Manslaughter.
1113.	Attempt to commit murder or manslaughter.
1114.	Protection of officers and employees of the United States.
1115.	Misconduct or neglect of ship officers.
1116.	Murder or manslaughter of foreign officials, official guests, or internationally protected persons.
1117.	Conspiracy to murder.
1118.	Murder by a Federal prisoner.
1119.	Foreign murder of United States nationals.
1120.	Murder by escaped prisoners.
1121.	Killing persons aiding Federal investigations or State correctional officers.
1122.	Protection against the human immunodeficiency virus.

AMENDMENTS

1996—Pub. L. 104-294, title VI, §601(a)(6), Oct. 11, 1996, 110 Stat. 3498, added item 1122.

1994—Pub. L. 103-322, title VI, §§60005(b), 60009(b)(2), 60012(b), 60015(b), Sept. 13, 1994, 106 Stat. 1970, 1972-1974, added items 1118 to 1121.

1976—Pub. L. 94-467, §3, Oct. 8, 1976, 90 Stat. 1998, substituted "official guests, or internationally protected persons" for "or official guests" in item 1116.

1972—Pub. L. 92-539, title I, §102, Oct. 24, 1972, 86 Stat. 1071, added items 1116 and 1117.

§ 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

(c) For purposes of this section—

(1) the term "assault" has the same meaning as given that term in section 113;

(2) the term "child" means a person who has not attained the age of 18 years and is—

(A) under the perpetrator's care or control; or

(B) at least six years younger than the perpetrator;

(3) the term "child abuse" means intentionally or knowingly causing death or serious bodily injury to a child;

(4) the term "pattern or practice of assault or torture" means assault or torture engaged in on at least two occasions;

(5) the term "serious bodily injury" has the meaning set forth in section 1365; and

(6) the term "torture" means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 98-473, title II, §1004, Oct. 12, 1984, 98 Stat. 2138; Pub. L. 99-646, §87(c)(4), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, §3(a)(4), Nov. 14, 1986, 100 Stat. 3663; Pub. L. 100-690, title VII, §7025, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 103-322, title VI, §60003(a)(4), Sept. 13, 1994, 106 Stat. 1969; Pub. L. 108-21, title I, §102, Apr. 30, 2003, 117 Stat. 652.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§452, 454, 567 (Mar. 4, 1909, ch. 321, §§273, 275, 330, 35 Stat. 1143, 1152).

Section consolidates the punishment provision of sections 454 and 567 of title 18, U.S.C., 1940 ed., with section 452 of title 18, U.S.C., 1940 ed.

The provision of said section 454 for the death penalty for first degree murder was consolidated with section 567 of said title 18, by adding the words "unless the jury qualifies its verdict by adding thereto 'without capital punishment' in which event he shall be sentenced to imprisonment for life".

The punishment for second degree murder was changed and the phrase "for any term of years or for life" was substituted for the words "not less than ten years and may be imprisoned for life". This change conforms to a uniform policy of omitting the minimum punishment.

Said section 567 was not included in section 2031 of this title since the rewritten punishment provision for rape removes the necessity for a qualified verdict.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 of this title.

AMENDMENTS

2003—Subsec. (a), Pub. L. 108-21, §102(1), inserted "child abuse," after "or sexual abuse," and "or perpetrated as part of a pattern or practice of assault or torture against a child or children;" after "robbery;"

Subsec. (c), Pub. L. 108-21, §102(2), added subsec. (c).

1994—Subsec. (b), Pub. L. 103-322 amended second par. generally. Prior to amendment, second par. read as follows: "Whoever is guilty of murder in the first degree, shall suffer death unless the jury qualifies its verdict by adding thereto 'without capital punishment', in which event he shall be sentenced to imprisonment for life;"

1988—Subsec. (a), Pub. L. 100-690 inserted a comma after "arson".

1986—Subsec. (a), Pub. L. 99-646 and Pub. L. 99-654 amended subsec. (a) identically, substituting "aggravated sexual abuse or sexual abuse" for "rape".

1984—Subsec. (a), Pub. L. 98-473 inserted "escape, murder, kidnapping, treason, espionage, sabotage," after "arson".

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendments by Pub. L. 99-646 and Pub. L. 99-654 effective respectively 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87(e) of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

§ 1112. Manslaughter

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds: Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than 15 years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than 8 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 103-322, title XXXII, § 320102, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2109, 2147; Pub. L. 104-294, title VI, § 604(b)(13), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 110-177, title II, § 207, Jan. 7, 2008, 121 Stat. 2538.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 453, 454 (Mar. 4, 1909, ch. 321, §§ 274, 275, 35 Stat. 1143).

Section consolidates punishment provisions of sections 453 and 454 of title 18, U.S.C., 1940 ed.

The special maritime and territorial jurisdiction provision was added in view of definitive section 7 of this title.

Minor changes were made in phraseology.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-177 substituted “15 years” for “ten years” in second par. and “8 years” for “six years” in last par.

1996—Subsec. (b). Pub. L. 104-294 repealed Pub. L. 103-322, § 320102(2). See 1994 Amendment note below.

1994—Subsec. (b). Pub. L. 103-322, § 330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000” in last par.

Pub. L. 103-322, § 320102(3), substituted “six years” for “three years” in last par.

Pub. L. 103-322, § 320102(2), which provided for amendment identical to Pub. L. 103-322, § 330016(1)(H), above, was repealed by Pub. L. 104-294, § 604(b)(13).

Pub. L. 103-322, § 320102(1)(B), which directed the amendment of subsec. (b) by inserting “, or both” after “years”, was executed by inserting the material after “years” in second par., which was the first place the word appeared in text, to reflect the probable intent of Congress.

Pub. L. 103-322, § 320102(1)(A), inserted “fined under this title or” after “shall be” in second par.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

§ 1113. Attempt to commit murder or manslaughter

Except as provided in section 113 of this title, whoever, within the special maritime and terri-

torial jurisdiction of the United States, attempts to commit murder or manslaughter, shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than seven years or fined under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 756; Pub. L. 100-690, title VII, § 7058(c), Nov. 18, 1988, 102 Stat. 4403; Pub. L. 101-647, title XXXV, § 3534, Nov. 29, 1990, 104 Stat. 4925; Pub. L. 104-132, title VII, § 705(a)(5), Apr. 24, 1996, 110 Stat. 1295.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 456 (Mar. 4, 1909, ch. 321, § 277, 35 Stat. 1143).

Words “within the special maritime and territorial jurisdiction of the United States” were added in view of definitive section 7 of this title, and section was rearranged to more clearly express intent of existing law.

Mandatory punishment provision was rephrased in the alternative.

AMENDMENTS

1996—Pub. L. 104-132 substituted “seven years” for “three years”.

1990—Pub. L. 101-647 struck out final period at end.

1988—Pub. L. 100-690 substituted “shall, for an attempt to commit murder be imprisoned not more than twenty years or fined under this title, or both, and for an attempt to commit manslaughter be imprisoned not more than three years or fined under this title, or both,” for “shall be fined not more than \$1,000 or imprisoned not more than three years, or both”.

§ 1114. Protection of officers and employees of the United States

Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished—

(1) in the case of murder, as provided under section 1111;

(2) in the case of manslaughter, as provided under section 1112; or

(3) in the case of attempted murder or manslaughter, as provided in section 1113.

(June 25, 1948, ch. 645, 62 Stat. 756; May 24, 1949, ch. 139, § 24, 63 Stat. 93; Oct. 31, 1951, ch. 655, § 28, 65 Stat. 721; June 27, 1952, ch. 477, title IV, § 402(c), 66 Stat. 276; Pub. L. 85-568, title III, § 304(d), July 29, 1958, 72 Stat. 434; Pub. L. 87-518, § 10, July 2, 1962, 76 Stat. 132; Pub. L. 88-493, § 3, Aug. 27, 1964, 78 Stat. 610; Pub. L. 89-74, § 8(b), July 15, 1965, 79 Stat. 234; Pub. L. 90-449, § 2, Aug. 2, 1968, 82 Stat. 611; Pub. L. 91-375, § 6(j)(9), Aug. 12, 1970, 84 Stat. 777; Pub. L. 91-513, title II, § 701(1)(1), Oct. 27, 1970, 84 Stat. 1282; Pub. L. 91-596, § 17(h)(1), Dec. 29, 1970, 84 Stat. 1607; Pub. L. 93-481, § 5, Oct. 26, 1974, 88 Stat. 1456; Pub. L. 94-284, § 18, May 11, 1976, 90 Stat. 514; Pub. L. 94-582, § 16, Oct. 21, 1976, 90 Stat. 2883; Pub. L. 95-87, title VII, § 704, Aug. 3, 1977, 91 Stat. 520; Pub. L. 95-616, § 3(j)(2), Nov. 8, 1978, 92 Stat. 3112; Pub. L. 95-630, title III, § 307, Nov. 10, 1978, 92

Stat. 3677; Pub. L. 96-296, § 26(c), July 1, 1980, 94 Stat. 819; Pub. L. 96-466, title VII, § 704, Oct. 17, 1980, 94 Stat. 2216; Pub. L. 97-143, § 1(b), Dec. 29, 1981, 95 Stat. 1724; Pub. L. 97-259, title I, § 128, Sept. 13, 1982, 96 Stat. 1099; Pub. L. 97-365, § 6, Oct. 25, 1982, 96 Stat. 1752; Pub. L. 97-452, § 2(b), Jan. 12, 1983, 96 Stat. 2478; Pub. L. 98-63, title I, § 101, July 30, 1983, 97 Stat. 313; Pub. L. 98-473, title II, § 1012, Oct. 12, 1984, 98 Stat. 2142; Pub. L. 98-557, § 17(c), Oct. 30, 1984, 98 Stat. 2868; Pub. L. 100-690, title VII, § 7026, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 101-73, title IX, § 962(a)(6), Aug. 9, 1989, 103 Stat. 502; Pub. L. 101-647, title XII, § 1205(h), title XVI, § 1606, title XXXV, § 3535, Nov. 29, 1990, 104 Stat. 4831, 4843, 4925; Pub. L. 102-54, § 13(f)(2), June 13, 1991, 105 Stat. 275; Pub. L. 102-365, § 6, Sept. 3, 1992, 106 Stat. 975; Pub. L. 103-322, title VI, § 60007, title XXXIII, §§ 330009(c), 330011(g), Sept. 13, 1994, 108 Stat. 1971, 2143, 2145; Pub. L. 104-132, title VII, § 727(a), Apr. 24, 1996, 110 Stat. 1302; Pub. L. 104-294, title VI, § 601(f)(2), Oct. 11, 1996, 110 Stat. 3499; Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., § 253 (May 18, 1934, ch. 299, § 1, 48 Stat. 780; Feb. 8, 1936, ch. 40, 49 Stat. 1105; June 26, 1936, ch. 830, title I, § 3, 49 Stat. 1940; Reorg. Plan No. II, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; June 13, 1940, ch. 359, 54 Stat. 391).

The section was extended to include United States judges, attorneys and their assistants, and officers of Federal, penal and correctional institutions in view of the obvious desirability of such protective legislation.

Employees of the Bureau of Animal Industry have been included in this section to complete the revision of section 118 of title 18, U.S.C., 1940 ed., which was consolidated with the assault provisions of section 254 of said title 18 and is now section 111 of this title. There seemed no sound reason for including such officers in the protection against assaults but excluding them from the homicide sections.

For like reasons the section was broadened to include officers or employees of the Secret Service or of the Bureau of Narcotics.

Changes in phraseology were made.

1949 ACT

This section [section 24] amends section 1114 of title 18, U.S.C., to conform more closely with the original statute from which it was derived.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-273 repealed amendment by Pub. L. 104-294. See 1996 Amendment note below.

1996—Pub. L. 104-132 reenacted section catchline without change and amended text generally, restructuring provisions by inserting par. designations and substituting reference to section 1113 of this title and general reference to killing or attempting to kill any officer or employee of any agency in any branch of United States Government for more specific references to killing or attempting to kill certain enumerated officers and employees of United States.

Subsec. (b). Pub. L. 104-294, which directed substitution in text of "1112," for "1113," and could not be executed, was repealed by Pub. L. 107-273. See above.

1994—Pub. L. 103-322, § 330011(g), repealed Pub. L. 101-647, § 1606. See 1990 Amendment notes below.

Pub. L. 103-322, § 330009(c), substituted "or any other officer or employee of the United States or any agency thereof" for "or any other officer, agency, or employee of the United States".

Pub. L. 103-322, § 60007, substituted "punished, in the case of murder, as provided under section 1111, or, in

the case of manslaughter, as provided under section 1112," for "punished as provided under sections 1111 and 1112 of this title."

1992—Pub. L. 102-365 inserted "any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions," after "any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions."

1991—Pub. L. 102-54 substituted "Department of Veterans Affairs" for "Veterans Administration".

1990—Pub. L. 101-647, § 3535(3), which directed amendment of section by striking out "the Federal Savings and Loan Insurance Corporation," could not be executed because that language had been struck out by Pub. L. 101-73. See 1989 Amendment note below.

Pub. L. 101-647, § 1606(3), which amended this section identically to amendment by Pub. L. 101-647, § 3535(3), was repealed by Pub. L. 103-322, § 330011(g). See above.

Pub. L. 101-647, § 3535(1), (2), substituted "Secret Service" for "secret service" and "any officer or employee of the Department of Education, the Department of Health and Human Services," for "any officer or employee of the Department of Health, Education, and Welfare."

Pub. L. 101-647, § 1606(1), (2), which amended this section identically to amendment by Pub. L. 101-647, § 3535(1), (2), was repealed by Pub. L. 103-322, § 330011(g). See above.

Pub. L. 101-647, § 1205(h), inserted "or any other commonwealth, territory, or possession" after "the Virgin Islands".

1989—Pub. L. 101-73 struck out "the Federal Savings and Loan Insurance Corporation," after "Federal Deposit Insurance Corporation," and substituted "the Office of Thrift Supervision, the Federal Housing Finance Board, the Resolution Trust Corporation" for "the Federal Home Loan Bank Board".

1988—Pub. L. 100-690 struck out second comma after "terms of this section".

1984—Pub. L. 98-557 substituted reference to Coast Guard member, and Coast Guard employee assigned to perform investigative, inspection or law enforcement functions, for reference to any officer or enlisted man of the Coast Guard.

Pub. L. 98-473 inserted "or attempts to kill" after "Whoever kills", substituted "or any United States probation or pretrial services officer, or any United States magistrate, or any officer or employee of any department or agency within the Intelligence Community (as defined in section 3.4(F) of Executive Order 12333, December 8, 1981, or successor orders) not already covered under the terms of this section," for "while engaged in the performance of his official duties or on account of the performance of his official duties", inserted ", or any other officer, agency, or employee of the United States designated for coverage under this section in regulations issued by the Attorney General", and inserted ", except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years".

1983—Pub. L. 98-63 inserted "any civilian official or employee of the Army Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions," after "National Park Service".

1983—Pub. L. 97-452 substituted "sections 3711 and 3716-3718 of title 31" for "the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.)".

1982—Pub. L. 97-365 struck out "or" before "any attorney, liquidator, examiner, claim agent" and inserted ", or any officer or employee of the United States or any agency thereof designated to collect or compromise a Federal claim in accordance with the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.) or other statutory authority" before "shall be punished".

Pub. L. 97-259 inserted "or any officer or employee of the Federal Communications Commission performing investigative, inspection, or law enforcement functions," after "or law enforcement functions,".

1981—Pub. L. 97-143 inserted "any officer or member of the United States Capitol Police," after "Drug Enforcement Administration."

1980—Pub. L. 96-466 inserted "or any officer or employee of the Veterans' Administration assigned to perform investigative or law enforcement functions," after "of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions."

Pub. L. 96-296 inserted "Interstate Commerce Commission," after "Consumer Product Safety Commission."

1978—Pub. L. 95-630 inserted "or any attorney, liquidator, examiner, claim agent, or other employee of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration engaged in or on account of the performance of his official duties" before "shall be punished."

Pub. L. 95-615 inserted "the Department of Commerce."

1977—Pub. L. 95-87 inserted "or of the Department of the Interior" after "or of the Department of Labor".

1976—Pub. L. 94-582 struck out "any employee of the Bureau of Animal Industry of the Department of Agriculture," after "the field service of the Bureau of Land Management," and inserted "or of the Department of Agriculture" after "or of the Department of Labor".

Pub. L. 94-284 inserted "the Consumer Product Safety Commission," after "Department of Health, Education, and Welfare".

1974—Pub. L. 93-481 substituted "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs".

1970—Pub. L. 91-596 substituted "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions", for "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act".

Pub. L. 91-513 substituted "Bureau of Narcotics and Dangerous Drugs" for "Bureau of Narcotics".

Pub. L. 91-375 substituted "officer or employee of the Postal Service", for "postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department" after "Department of Justice."

1968—Pub. L. 90-449 substituted "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department" for "any post-office inspector".

1965—Pub. L. 89-74 included any officer or employee of the Department of Health, Education, and Welfare designated by the Secretary of Health, Education, and Welfare to conduct investigations or inspections under the Federal Food, Drug, and Cosmetic Act.

1964—Pub. L. 88-493 inserted "or any security officer of the Department of State or the Foreign Service".

1962—Pub. L. 87-518 included employees of the Department of Agriculture performing any function connected with any Federal or State program, or program of Puerto Rico, Guam, the Virgin Islands, or the District of Columbia, for control, eradication, or prevention of animal diseases.

1958—Pub. L. 85-568 included officers and employees of the National Aeronautics and Space Administration.

1952—Act June 27, 1952, substituted "any immigration officers" for "any immigrant inspector or any immigration patrol inspector".

1951—Act Oct. 31, 1951, substituted "the field service of the Bureau of Land Management" for "the field service of the Division of Grazing of the Department of the Interior".

1949—Act May 24, 1949, inserted "any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties".

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 330011(g) of Pub. L. 103-322 provided that the amendment made by that section is effective as of Nov. 29, 1990.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(g)(3) of Pub. L. 96-466 provided in part that the amendment made by section 704 of Pub. L. 96-466 is effective Oct. 17, 1980.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-630 effective on expiration of 120 days after Nov. 10, 1978, see section 2101 of Pub. L. 95-630, set out as an Effective Date note under section 375b of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-582 effective 30 days after Oct. 21, 1976, see section 27 of Pub. L. 94-582, as amended, set out as a note under section 74 of Title 7, Agriculture.

EFFECTIVE DATE OF 1970 AMENDMENTS

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 704 of Pub. L. 91-513, set out as an Effective Date note under section 801 of Title 21, Food and Drugs.

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-74 effective July 15, 1965, see section 11 of Pub. L. 89-74.

SAVINGS PROVISION

Amendment by Pub. L. 91-513 not to affect or abate any prosecutions for violation of law or any civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of such amendment, and all administrative proceedings pending before the Bureau of Narcotics and Dangerous Drugs on Oct. 27, 1970, to be continued and brought to final determination in accord with laws and regulations in effect prior to Oct. 27, 1970, see section 702 of Pub. L. 91-513, set out as a note under section 321 of Title 21, Food and Drugs.

LIFE IMPRISONMENT OR LESSER TERM FOR KILLING PERSON IN PERFORMANCE OF INVESTIGATIVE, INSPECTION, OR LAW ENFORCEMENT FUNCTIONS

Section 17(h)(2) of Pub. L. 91-596 provided that: "Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111 shall be punished by imprisonment for any term of years or for life."

IMMUNITY FROM CRIMINAL PROSECUTION

Section 5 of Pub. L. 88-493 which provided that nothing in Pub. L. 88-493, which amended this section and section 112 of this title, and enacted former section 170e-1 of Title 5, Government Organization and Employees, shall create immunity from criminal prosecution under the laws of any State, territory, possession,

Puerto Rico, or the District of Columbia, is set out as a note under section 1112 of this title.

§ 1115. Misconduct or neglect of ship officers

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

When the owner or charterer of any steamboat or vessel is a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 757; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 461 (Mar. 4, 1909, ch. 321, § 282, 35 Stat. 1144).

Section restores the intent of the original enactments, R.S. § 5344, and act Mar. 3, 1905, ch. 1454, § 5, 33 Stat. 1025, and makes this section one of general application. In the Criminal Code of 1909, by placing it in chapter 11, limited to places within the special maritime and territorial jurisdiction of the United States, such original intent was inadvertently lost as indicated by the entire absence of report or comment on such limitation.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in two places.

§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title.

(b) For the purposes of this section:

(1) “Family” includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

(2) “Foreign government” means the government of a foreign country, irrespective of recognition by the United States.

(3) “Foreign official” means—

(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in

such capacity, and any member of his family, while in the United States; and

(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

(4) “Internationally protected person” means—

(A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own and any member of his family accompanying him; or

(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

(5) “International organization” means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288) or a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs.

(6) “Official guest” means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

(7) “National of the United States” has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(c) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49.

(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(Added Pub. L. 92-539, title I, § 101, Oct. 24, 1972, 86 Stat. 1071; amended Pub. L. 94-467, § 2, Oct. 8, 1976, 90 Stat. 1997; Pub. L. 95-163, § 17(b)(1), Nov. 9, 1977, 91 Stat. 1286; Pub. L. 95-504, § 2(b), Oct. 24,

JS 44 (Rev. 06/17)

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

Christopher Earl Strunk

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

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

in propria persona

DEFENDANTS

THE STATE OF NEW YORK

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

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

Attorneys (If Known)

NYS ATTORNEY GENERAL

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

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

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 424 Consumer Credit	<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 425 Bankruptcy	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 426 Trademark	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 427 False Information	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 428 Trademark	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 428 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 429 Trademark	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 429 Trademark	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 430 Trademark	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 431 Trademark	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 450 Commerce	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 432 Trademark	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 433 Trademark	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 434 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 435 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 436 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 437 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 438 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 439 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 440 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
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				<input type="checkbox"/> 442 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 443 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 444 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 445 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 446 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 447 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 448 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 449 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 450 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 451 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 452 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 453 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 454 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 455 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 456 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 457 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 458 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 459 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 460 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 461 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 462 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
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				<input type="checkbox"/> 466 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 467 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 468 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 469 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
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				<input type="checkbox"/> 471 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 472 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 473 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
				<input type="checkbox"/> 474 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
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				<input type="checkbox"/> 487 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit
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				<input type="checkbox"/> 500 Trademark	<input type="checkbox"/> 480 Consumer Credit		<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit

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

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Retransferred 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 ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): **28 USC 1343**Brief description of cause: **CIVIL RIGHTS EQUAL PROTECTION****VII. REQUESTED IN COMPLAINT:**

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

DEMAND \$

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE