

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

RECEIVED UNITED STATES DISTRICT COURT

AUG - 8 2022

for the Western District of Texas

CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS

BY [Signature] DEPUTY CLERK

FELIPE NERY GOMEZ

San Antonio Division

SA 22CA 0871 JKP

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

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

-v-

Alan Braid MD, Suyash Agrawal, Marc Hearn, Center for Reproductive Rights, Debevoise & Plimpton LLP, Massey & Gail LLP, Susman Godfrey LLP, Honorable Judge Jorge Alonso

Defendant(s)

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

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

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

Name	FELIPE N GOMEZ		
Address	1415 Ardmore Unit 7139		
	Villa Park	IL	60181
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Bexar Co. TX		
Telephone Number	312.509.2071		
E-Mail Address	fgomez9592@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	ALAN BRAID, MD		
Job or Title <i>(if known)</i>	Abortion Provider		
Address	11740 Mill Rock Road		
	San Antonio	TX	78230
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Bexar		
Telephone Number			
E-Mail Address <i>(if known)</i>			

Individual capacity     Official capacity

Defendant No. 2    **SEE ATTACHMENT A - DEFENDANT LIST**

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

Individual capacity     Official capacity

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

**Defendant No. 3**

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip Code

County \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address *(if known)* \_\_\_\_\_

Individual capacity     Official capacity

**Defendant No. 4**

Name \_\_\_\_\_

Job or Title *(if known)* \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip Code

County \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address *(if known)* \_\_\_\_\_

Individual capacity     Official capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- XXXX Federal officials (a *Bivens* claim)
- 

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

1. Right to Due Process (Re Gomez v Braid 21CI19920 and 33CI8302, Bexar Co. Tx)
2. Right to Equal Protection of the Laws
3. Investigation Continues

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. **Defendants collectively violated 42 USC 1983 and 1985.**

Each Defendant participated and directly or indirectly deprived Plaintiff of his Right to Due Process by, inter alia, way prosecuting, and His Honor entertaining, Braid v Stilley, Gomez, et al, 21cv5283, which illegally attempts to and did deprive Plaintiff of Due Process as to the Right to pursue valid state claims without government assisted interference from the Defendant, and effort is based on Roe, which is not law any longer, SB 8 being a vaild state law and Gomez having the Right to pursue same, violating 42 USC 1983 and 1985, respectively.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

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

1. Bexar County Te<sup>X</sup>as
2. Cook County Illinois
3. Unknown as to abortions claimed by Braid

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

10.5.21 and thereafter, including, at the latest, the instant Roe was overturned by Dobbs, 6.24.22

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

else involved? Who else saw what happened?) *Defendants conspired to attempt, and did attempt, in a manner Plaintiff asserts meets RICO elements, a coordinated effort to avoid due process and intentionally cooperated in a directed effort to deny Plaintiff his right to due process in Texas Courts, and His Honor assisted in that attempt, including the Defendants manufacturing a TRO that illegally restrains Plaintiff in the Texas cases based on the claim that Roe prohibits Plaintiff's Texas suits, when Roe is no more. Soon after filing 21cv5283, Suyash Agrawal attempted to convince Plaintiff to be a straw Defendant based on his assertion that 21cv5283 'was the best way to protect Dr. Braid's interests', which Gomez refused and objected to, such effort being a part of the intentional violation of Plaintiff's Rights. Witnesses include the unnamed attorneys appearing in 21cv5283, as well as Court staff in Chicago and Texas, and the Defendants. Gomez was and is being damaged by being unable to prosecute his Texas cases, where Braid himself has elected to litigate the case subject to the TRO [117], filing an answer, and now attempting to have Plaintiff convicted of contempt for giving the Texas Judge judicial notice of the TRO, all of which have directly and proximately irreparably damaged Gomez monetarily and otherwise, in a continuing manner, with Defendants refusing to cease and desist despite Dobbs eviscertating any claims that Roe is being violated by Plaintiff.*

**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

- 1. Ongoing irreparable interference and harm to Plaintiff's Texas State Court Claims and Right to Due Process, and violation of the Right to Equal Protection, where the TRO does not include Stilley or Demino.**
- 2. Monetary Harm in excess of 250,000**
- 3. Investigation Continues**

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- 1. Enjoin Dr. Braid and Defendants from interfering with Gomez v Braid, 21CI19920 and 22CI8302, Bexar County TX**
- 2. Award monetary damages of at least \$250,000, or an amount equivalent to the amounts sought in 22CI8302, whichever is greater.**
- 3. Equivelant alternative relief in favor of Plaintiff.**

**VI. Certification and Closing**

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

**A. For Parties Without an Attorney**

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

Date of signing: 8.3.22



Signature of Plaintiff Printed s/ Felipe Nery Gomez (Felipe Nery Gomez)

**For Attorneys**

**B.**

Date of signing: \_\_\_\_\_

Signature of Attorney Printed Name of Attorney Bar Number

Name of Law Firm Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*City*

*State*

*Zip Code*

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

\_\_\_\_\_

**ATTACHMENT A**

**Gomez v Braid 42 USC 1983/1985 Non-Prisoner Complaint  
Western District of Texas**

**DEFENDANT LIST**

(Individual Capacity Except for Judge Alonso )

1. Alan Braid MD  
11740 Mill Rock Rd  
San Antonio, TX 78230
  
2. Suyash Agrawal  
Massey & Gail LLP  
50 E Washington Street  
Suite 400  
Chicago, IL 60602  
(312)379-0949  
Email: sagrawal@masseygail.com
  
3. Marc Hearn  
Center for Reproductive Rights  
1634 Eye St. NW  
Ste. 600  
Washington, DC 20006  
(202) 524-5539  
Email: mhearn@reprorights.org
  
4. Susman Godfrey LLP  
1000 Louisiana Street, Suite 5100  
Houston, TX 77002
  
5. Massey & Gail LLP  
1000 Maine Ave. Sw, Suite 450  
Washington, DC 20024
  
6. Debevoise & Plimpton LLP  
919 Third Avenue  
New York, NY 10022
  
7. Center for Reproductive Rights  
1634 Eye St. NW  
Ste. 600  
Washington, DC 20006
  
8. Hon. Judge Jorge Alonso  
219 S. Dearborn St  
Chicago, IL 60602  
(Official Capacity)