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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11 **Carey L. Johnson**, a single man,

12 Plaintiff,

13 vs.

14 **United States of America;**
15 **United States Customs and Border Protection;**
16 a subdivision of the United States Department of
17 Homeland Security;
18 **U.S. Border Patrol Agent Clark**, an officer with
19 the United States Customs and Border Protection;
20 and
21 **U.S. Border Patrol Agents John Does I-X**,
22 officers with the United States Customs and
23 Border Protection,

24 Defendants.

No. **'18CV2178 BEN WVG**

COMPLAINT

(Jury Trial Demanded)

- (1) *Bivens*: Unlawful Seizure and Excessive Use of Force;
- (2) Violation of Section 504 of the Rehabilitation Act;
- (3) FTCA: Assault and Battery;
- (4) FTCA: False Arrest;
- (5) FTCA: Negligence/Gross Negligence;
- (6) FTCA: Conversion;
- (7) FTCA: Intentional Infliction of Emotional Distress; and
- (8) FTCA: Violation of California Civil Code § 52.1

25 For his Complaint against Defendant, Plaintiff Carey Johnson alleges as follows:

26 **PARTIES**

27 1. Plaintiff Carey L. Johnson is a single man and was at all times relevant to
28 this Complaint a resident of San Diego County, California, United States of America.

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1 8. This Court has jurisdiction over Plaintiff’s federal law claims pursuant to 28
2 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1346(b) (United States as
3 defendant).

4 9. This Court has supplemental jurisdiction over claims arising under the laws
5 of the State of California pursuant to 28 U.S.C. § 1367(a).

6 10. Venue is proper in the United States District Court for the Southern District
7 of California pursuant to 28 U.S.C. §1391(b) because the acts or omissions which form the
8 basis of Plaintiff’s claims occurred in San Diego, California.

9 11. Notice of Plaintiff’s claims under the Federal Tort Claims Act were timely
10 served upon Defendants pursuant to 28 U.S.C. § 2675. More than six (6) months have
11 passed since this Notice of Claim was served upon the Defendants.

12 12. All conditions precedent to the filing of this suit have occurred or have been
13 performed.

14 **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

15 13. Plaintiff Carey Johnson is a U.S. citizen who resides in the State of
16 California, and due to health reasons, also maintains a home in Mexico.

17 14. Plaintiff is a U.S. military veteran with a disability under Section 504 of the
18 Rehabilitation Act of 1973.

19 15. Plaintiff lives in Mexico for part of the year in order to help manage his
20 disability, and he must cross the U.S./Mexico border to meet with care providers and
21 conduct business.

22 16. The only known procedure for requesting accommodation for emergency,
23 medical or disability issues at the US/Mexico border in San Diego is to approach the Senti
24 gate and request permission to proceed to secondary inspection to obtain approval for
25 expedited crossing.

26 17. On September 22, 2016 Plaintiff approached the Senti gate, presented his
27 VA identification card with a disability designation and his passport and explained his need
28 for a disability accommodation as a qualified disabled person, and was sent to secondary

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1 inspection, where he was told by a supervisor that he should instead speech with an agent
2 at the Otay Mesa Gate about formalizing his request for continuing and ongoing
3 accommodation.

4 18. At the Otay Mesa Gate Plaintiff was informed by agent Murillo that the
5 proper procedure was that one he already was employing; that is, to approach the agents at
6 the Senti gate and present his ID card supporting his disability, along with his passport,
7 and that he should be allowed to go through after being sent to secondary inspection.

8 19. Plaintiff was told that he would have to do this each time he needed to cross
9 the border, and that the agent on duty would have discretion about whether or not to grant
10 his request for disability accommodation.

11 20. The very next day, on September 23, 2016, at approximately 8:30 a.m.,
12 Plaintiff went to the Senti gate and presented his passport and ID to the agent and
13 explained to him that he needed to proceed to secondary and speak to supervisor regarding
14 his request for accommodations based upon his disability.

15 21. While sitting in the car waiting to be processed, a couple of agents
16 approached Plaintiff and started harassing him because of his request for accommodation,
17 saying things like there was nothing wrong with him, and that they were veterans with
18 Department of Defense ID cards too.

19 22. These agents soon left and their supervisor, a young woman, appeared and
20 immediately became aggressive and abusive towards Plaintiff, and threatened to take
21 Plaintiff's car for Senti lane violations, and then abruptly left, without considering
22 Plaintiff's request.

23 23. As Plaintiff sat in his car waiting to be released, Agent Ferguson from the
24 CBP approached his car and asked him what was going on.

25 24. Agent Ferguson advised Plaintiff that he should present his VA disability
26 award letter showing his true disability.

27 25. Approximately 45 minutes later, Plaintiff returned from his home in Mexico
28 with his VA award letter, and explained to the Senti gate agent that he needed to go to

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1 “secondary” to talk to a supervisor and show them his disability paperwork.

2 26. Once again, Plaintiff was sent to “secondary” and as he sat in his car waiting
3 to be processed, a male supervisor approached him in an aggressive manner, saying “So do
4 you have the letter?”

5 27. When Plaintiff gave the male supervisor the paperwork, his Department of
6 Defense ID and his passport, the supervisor dismissed Plaintiff’s status and qualifications
7 as a disabled veteran and began to chastise Plaintiff, telling him that there was nothing was
8 wrong with him.

9 28. When Plaintiff asked the supervisor if he would give him something in
10 writing saying he was disapproving Plaintiff’s request, so that he could challenge the denial
11 and further document his disability accommodation requests, the supervisor disappeared
12 into the building and sent 10 agents out to take him into custody.

13 29. The agents who detained him told Plaintiff that he was being detained, but
14 not arrested.

15 30. The agents handcuffed Plaintiff and took him to a bench where he was
16 shackled and left for 3 hours.

17 31. After 3 hours they told Plaintiff he could go, but that they were going to
18 impound his car, and that he could only get his car back if he paid a fine of \$5,000.00.

19 32. Plaintiff paid the \$5,000.00 fine out of fear that something worse than having
20 his car impounded would occur if he refused to pay.

21 33. The receipt Plaintiff was given when the money was taken from him that day
22 falsely identified the \$5,000 as a fine for Senti lane violations.

23 34. On September 25, 2016, Plaintiff chose to cross the border by using the walk-
24 through gate because he was afraid of a repeat of the events which had unfolded just days
25 before.

26 35. When Plaintiff presented his passport to the agent, she looked at the screen
27 and appeared startled as she looked back up, giving Plaintiff the impression that he had
28 been somehow tagged in the electronic system used at the border crossing.

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1 36. On October 21, 2016, at approximately 3:25 p.m., as Plaintiff was crossing
2 the border at the Otay Mesa Crossing, he handed his passport to the agent, who said, “I see
3 you like to use the Senti lane, huh?”

4 37. After extensively questioning Plaintiff, the agent took it upon himself to
5 inspect the trunk of Plaintiff’s car and began to grill Plaintiff’s 8-year-old daughter, who
6 was a passenger in the car, as to “who the person she was with was.” When the child
7 responded that this person was her daddy, the agent even asked her if she was sure.

8 38. Plaintiff was frightened about being delayed for no apparent reason, and
9 concerned that he was being targeted and tracked because he had requested to use the Senti
10 lane for disability accommodations.

11 39. On October 31, 2016, Plaintiff was using the regular lanes, and began having
12 an episode of severe anxiety attacks while crossing the border.

13 40. Two or more unknown CBP agents physically abused Plaintiff by dragging
14 him from his car, putting Tasers to his chest, wrenching his arms behind his back and piling
15 up on top of him.

16 41. Plaintiff complained to the agents that they were hurting his back, and when
17 they finally got off of him, he could not feel his legs and was suffering from extreme
18 anxiety and fear of further abuse.

19 42. An ambulance then arrived and Plaintiff was transported to the Scripps
20 Hospital Chula Vista Emergency Room.

21 43. On November 1, 2016, Plaintiff was having severe emotional distress and
22 was trying to reach the VA clinic in San Diego to seek help for his problem. Plaintiff had
23 his daughter in the car with him, and he tried to get expedited crossing using the Senti lane
24 due to the nature of his disability and due to the intensity of the symptoms he was
25 experiencing.

26 44. Plaintiff’s request for assistance was met with heckling and disbelief on the
27 part of the agents, who appeared not to believe he was having a crisis. Plaintiff asked them
28 to call an ambulance, and they refused.

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1 45. Based on the physical abuse Plaintiff had experienced the prior day, he was
2 afraid to interact directly with the CBP agents, so he locked his doors and rolled up his
3 windows out of fear of being beat up again.

4 46. When Plaintiff proceeded to call an ambulance on his cell phone, the 911
5 operator asked to speak with the border agent, so Plaintiff lowered the window and handed
6 the agent his phone.

7 47. After the CBP agents talked Plaintiff into unlocking his car and getting out,
8 they verbally abused him, accused him of having a fake Department of Defense ID card,
9 and threatened to have his privileges revoked.

10 48. The Agents further informed Plaintiff that if he insisted on taking an
11 ambulance to the hospital that they would be required to call CPS and put his daughter into
12 foster care since he could not care for her and she would not be allowed to accompany him
13 in the ambulance.

14 49. But for the intervention of the ambulance driver who had arrived on scene
15 by that time, and who had called ahead to the VA Medical Center and requested approval
16 to transport Plaintiff along with his daughter, the CBP agents would have had Plaintiff's
17 daughter placed into foster care.

18 50. The CBP Agents had requested that Plaintiff leave the keys to the car with
19 them so that they could move it out of the way, and he complied, giving them his keychain
20 with his car and house keys on it.

21 51. Plaintiff spent several days in the hospital, and upon being released from the
22 hospital, CBP would not return his keys, and Plaintiff had to hire a locksmith to get into
23 his house.

24 52. Plaintiff's agent was informed by CBP Agent Clark at the San Ysidro Port
25 that the vehicle had been seized for Senti lane violations and that it was going to be
26 forfeited unless he paid a \$10,000.00 fine.

27 53. After Plaintiff was deprived of the use of his vehicle he had to use a rental
28 car for almost a year, which caused an extreme financial burden on his limited resources

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1 as a disabled veteran.

2 54. Plaintiff was eventually able to purchase another vehicle in order to have
3 transportation, but had to continue making car and insurance payments on his confiscated
4 vehicle.

5 55. After Plaintiff's car was confiscated, he avoided crossing the border using
6 the driving lanes whenever possible, because he was in fear for his safety, and so he began
7 using the San Ysidro Border foot lanes to cross, because he had been advised that this
8 location had a special lane for people with disabilities and those requiring medical
9 assistance.

10 56. At first, Plaintiff was allowed expedited crossing simply by showing his
11 documentation, but then agents began to insist on calling a supervisor each time to get
12 approval for Plaintiff's expedited crossing.

13 57. Some of the CBP agents took the position that Plaintiff was not entitled to
14 accommodations and should wait in line to cross just like everyone else, and things began
15 to get more difficult and time-consuming each time Plaintiff crossed, causing him great
16 anxiety.

17 58. On the dates of December 1, 2016 and on December 7, 2016, the U.S. Border
18 Agents and Private Security Guards working at the border asked the Mexican Police to
19 arrest Plaintiff, making him afraid to attempt to cross the border thereafter.

20 59. Plaintiff had an attorney representing him engage in multiple conversations
21 with CBP attorney Erik Gantzel, in which it was requested that CBP return Plaintiff's car,
22 waive the "fines," and grant Plaintiff reasonable medical accommodations for his necessary
23 border crossings, but CBP's attorney would not agree to do so.

24 60. After filing formal complaints with CBP on November 6, 2016, November
25 17, 2016, and December 10, 2016, the Fines, Forfeitures & Penalties Division reduced the
26 initial \$5,000 fine to \$500, and refunded Plaintiff \$4,500 of the money he had paid.

27 61. The second \$10,000 fine was reduced to \$1,000 and CBP said they would
28 release Plaintiff's car if he paid \$1,000 and signed a "hold harmless" agreement, which

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1 would forfeit his right to seek redress. Plaintiff declined to accept this offer because it
2 asked him to plead guilty to charges which were not true.

3 62. On October 20, 2017 Plaintiff and his attorney had a phone conference with
4 the Assistant Port Director of the San Ysidro Port of Entry, Sally Carillo, in an attempt to
5 accommodate his written request for medical accommodation. Thereafter, things appeared
6 to settle down for a while, and Plaintiff was harassed less and less when he was crossing
7 the border.

8 63. Then on December 1, 2017, Plaintiff was crossing the border in the regular
9 walk-through lanes, and upon presenting his passport, was told that he would need to go to
10 secondary for additional screening. Plaintiff was made to wait an extraordinary amount of
11 time, and when he questioned why he was being detained, he was thrown to the ground,
12 roughed up, and handcuffed, before eventually being released and allowed to cross, with
13 no explanation given as to why he had been singled out.

14 64. Plaintiff suffered multiple bruises, sprains, scarring on his body, and physical
15 pain due to the brutal way in which he was treated by CBP.

16 65. Plaintiff also suffered anxiety and emotional distress due to the way in which
17 he was treated by CBP, and he continues to suffer from emotional distress, mental anguish,
18 humiliation, and anxiety when he is required to cross the border.

19 66. Plaintiff's written request for ongoing medical accommodation was
20 approved on January 5, 2018, allowing disability accommodation through the San Ysidro
21 pedestrian lanes by showing the letter of approval and appropriate identification; however,
22 it does not address the issue of crossing in an automobile, which is the primary mode of
23 travel for Plaintiff.

24 67. As a result of Defendants' described above, Plaintiff has suffered physical,
25 psychological, and emotional injuries and has incurred, and will continue to incur, medical
26 treatment and expenses to address those injuries. Defendants' actions, including the
27 unlawful seizure of Plaintiff's 2009 Mercedes Benz E350, have also caused Plaintiff to
28 suffer considerable economic losses because he has continued to make automobile,

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1 insurance, and registration payments for the 2009 Mercedes since it was seized on
2 November 1, 2016. Plaintiff has also incurred the expense of renting a car for
3 approximately nine (9) months following the unlawful seizure and the expense of
4 purchasing a replacement vehicle. He has also incurred, and will continue to incur, the
5 cost of hotel rooms and other incidental expenses as a result of having to cross the border
6 on foot.

7
8 **FIRST CAUSE OF ACTION**

9 ***Bivens: Unlawful Seizure and Use of Excessive Force in Violation of the***
10 **Fourth Amendment**
11 **(Against Defendants Agent Clark and John Does I-X)**

12 68. Plaintiff re-alleges the foregoing paragraphs as if fully set forth herein.

13 69. The Fourth Amendment to the United States Constitution protects the “right
14 of the people to be secure in their persons, houses, papers, and effects” and prohibits state
15 actors from conducting unreasonable searches and seizures and from engaging in excessive
16 force.

17 70. Between September 2016 and December 2017, Defendants violated
18 Plaintiff’s constitutional rights by engaging in repeated instances of abuse, aggression,
19 harassment, and intimidation in an apparent effort to punish or retaliate against Plaintiff for
20 his persistence in requesting the reasonable accommodation to which he is entitled.

21 71. On October 31, 2016, Plaintiff was attempting to cross the border using the
22 regular travel lanes when he began to experience a severe anxiety attack. While waiting
23 for an ambulance to transport him to the hospital, Defendants John Does I-X violated
24 Plaintiff’s constitutional rights by dragging Plaintiff from his vehicle, putting Tasers to his
25 chest, wrenching his arms behind his back, and piling on top of him. Defendants’
26 misconduct caused Plaintiff physical and emotional suffering and distress, extreme anxiety,
27 and fear.

28 72. Defendants, Agent Clark and John Does I-X, violated Plaintiff’s
constitutional rights on November 1, 2016, when they seized Plaintiff’s black 2009

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1 Mercedes Benz E350 without probable cause when Plaintiff was taken from the border to
2 the VA Medical Center in San Diego by ambulance. This violation is ongoing, and, to
3 date, Plaintiff has been deprived of his vehicle for more than twenty-two (22) months.

4 73. Defendants John Does I-X again violated Plaintiff’s constitutional rights on
5 December 1, 2017, when they detained Plaintiff as he tried to cross the border in the regular
6 walk-through lanes. When Plaintiff questioned why he was being detained, the unknown
7 CBP agents threw Plaintiff to the ground, roughed him up, and handcuffed him, before
8 eventually releasing him and allowing his to cross the border, with no explanation of why
9 he had been singled out. As a result of Defendants’ abusive behavior, Plaintiff suffered
10 numerous injuries, including bruises, sprains, scars, physical pain, anxiety, and emotional
11 distress.

12 74. As a direct and proximate result of Defendants’ breaches of Plaintiff’s
13 constitutional rights as described herein, Plaintiff sustained special and general damages,
14 including but not limited to, medical expenses, loss of use of his personal vehicle, costs to
15 replace his vehicle, other economic losses, emotional distress, and attorneys’ fees.

SECOND CAUSE OF ACTION

**Violation of Section 504 of the Rehabilitation Act of 1973
Against Defendant U.S. Customs and Border Protection**

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18
19 75. Plaintiff re-alleges the foregoing paragraphs as if fully set forth herein.

20 76. The Rehabilitation Act of 1973 prohibits recipients of federal financial
21 assistance, including government agencies such as the CBP, from discriminating against
22 individuals with disabilities, and it requires that they provide services and support in the
23 most integrated setting appropriate to the needs of individuals with disabilities.

24 77. As an individual with a disability, Plaintiff is covered by Section 504 of the
25 Rehabilitation Act and is entitled to receive services from Defendant CBP in a more
26 integrated setting.

27 78. Defendant CBP can provide services to persons with disabilities in more
28 integrated settings by making reasonable accommodations or modifications to its policies,

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1 programs, and services, including, for example, by modifying its policies with respect to
2 allowing disabled individuals to use the Sentri lane for expedited crossing at the
3 US/Mexico border in San Diego.

4 79. Defendant CBP discriminated, and continues to discriminate, against
5 Plaintiff by denying him a reasonable accommodation for his disability and failing to
6 provide him services and support in a more integrated setting during his crossings at the
7 US/Mexico border in San Diego, in violation of Section 504 of the Rehabilitation Act.

8 80. By reason of Defendant CBP’s discrimination, Plaintiff is entitled to all legal
9 and equitable remedies available under the Rehabilitation Act.

10 81. Plaintiff is also entitled to an award of attorneys’ fees under 29 U.S.C. §
11 794(a)(1).

12 **THIRD CAUSE OF ACTION**
13 ***FTCA: Assault and Battery***
14 **Against the United States of America**

15 82. Plaintiff re-alleges the foregoing paragraphs as if fully set forth herein.

16 83. On or about October 31, 2016 and December 1, 2017, unknown CBP agents
17 acted with an intent to cause harmful or offensive contact with Plaintiff, and the intended
18 harmful or offensive contact did in fact occur.

19 84. The harmful or offensive contact was not privileged, nor did Plaintiff consent
20 to it.

21 85. Under the Federal Tort Claims Act, the United States is the proper defendant
22 for this cause of action.

23 86. Pursuant to 28 U.S.C. § 2680(h), the United States has waived sovereign
24 immunity for this claim, which arises out of the acts or omissions of federal law
25 enforcement officers. *See also Sanchez v. Rowe*, 651 F. Supp. 571, 574 (N.D. Tex. 1986).

26 87. As a result of Defendants’ assault and battery against Plaintiff, Plaintiff
27 suffered economic and non-economic damages, including but not limited to, medical
28 expenses, emotional distress, pain and suffering, anxiety, and fear.

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FOURTH CAUSE OF ACTION
FTCA: False Arrest
Against the United States of America

88. Plaintiff re-alleges the foregoing paragraphs as if fully set forth herein.

89. On or about October 31, 2016 and December 1, 2017, CBP agents detained Plaintiff without lawful privilege for an appreciable period of time.

90. Plaintiff did not consent to the confinement.

91. Under the Federal Tort Claims Act, the United States is the proper defendant for this cause of action.

92. Pursuant to 28 U.S.C. § 2680(h), the United States has waived sovereign immunity for this claim, which arises out of the acts or omissions of federal law enforcement officers. *See also Sanchez v. Rowe*, 651 F. Supp. 571, 574 (N.D. Tex. 1986).

93. As a result of Defendants’ unlawful detention of Plaintiff, Plaintiff suffered economic and non-economic damages, including but not limited to, medical expenses, emotional distress, pain and suffering, anxiety, and fear.

FIFTH CAUSE OF ACTION
FTCA: Negligence/Gross Negligence
Against the United States of America

94. Plaintiff re-alleges the foregoing paragraphs as if fully set forth herein.

95. Defendants owe a duty of care to members of the public with whom they come into contact, including a duty to act with ordinary care and prudence so as not to cause harm or injury to an individual.

96. By engaging in the conduct described above, Defendants breached their duty of care to Plaintiff.

97. Under the Federal Tort Claims Act, the United States is the proper defendant for this cause of action.

98. As a result of Defendants’ negligence, Plaintiff suffered physical, emotional, and psychological injuries. He has incurred economic and non-economic damages,

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1 including but not limited to, medical expenses, emotional distress, pain and suffering,
2 anxiety, and fear.

3 **SIXTH CAUSE OF ACTION**

4 ***FTCA: Conversion***

5 **Against the United States of America**

6 99. Plaintiff re-alleges the foregoing paragraphs as if fully set forth herein.

7 100. Defendant Agent Clark and other unknown CBP agents seized Plaintiff's
8 2009 Mercedes Benz E350, unlawfully and without privilege or justification, on November
9 1, 2016.

10 101. Defendants intended to, and did, exercise dominion or control over Plaintiff's
11 vehicle.

12 102. Plaintiff has been deprived of possession and use of his vehicle since
13 November 1, 2016.

14 103. Under the Federal Tort Claims Act, the United States is the proper defendant
15 for this cause of action.

16 104. Defendants' unlawful and unauthorized custody, control, and retention of
17 Plaintiff's vehicle constitutes conversion, for which Plaintiff is entitled to damages.

18 **SEVENTH CAUSE OF ACTION**

19 ***FTCA: Intentional Infliction of Emotional Distress***

20 **Against the United States of America**

21 105. Plaintiff re-alleges the foregoing paragraphs as if fully set forth herein.

22 106. Defendants acted with intent and/or recklessness when they engaged in
23 repeated instances of abuse, aggression, harassment, and intimidation against Plaintiff
24 between September 2016 and December 2017.

25 107. Defendants' conduct was extreme and outrageous.

26 108. Under the Federal Tort Claims Act, the United States is the proper defendant
27 for this cause of action.

28 109. Defendants' conduct caused Plaintiff to suffer severe emotional distress,
anxiety, fear, and humiliation, for which Plaintiff is entitled to damages.

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EIGHTH CAUSE OF ACTION
Violation of the Unruh Act, California Civil Code § 52.1
Against the United States of America

110. Plaintiff re-alleges the foregoing paragraphs as if fully set forth herein.

111. Plaintiff had a firmly established right to be free from excessive force under the Fourth Amendment to the United States Constitution, as well as the State Constitution of California.

112. The California Legislature has declared that it violates the state civil rights act for any person to interfere with the exercise or enjoyment by any individual of his rights secured by the United States Constitution or state or federal law. This includes any interference of these rights by threats, intimidation, coercion or attempted threats, intimidation, or coercion.

113. Defendants interfered with Plaintiff’s right to be free from excessive force.

114. Defendants committed this interference with Plaintiff’s rights in violation of California Civil Code § 52.1 and the Fourth Amendment.

115. Under the Federal Tort Claims Act, the United States is the proper defendant for this cause of action.

116. Due to the violation of Plaintiff’s rights by all Defendants, Plaintiff suffered economic and non-economic damages, including but not limited to, medical expenses, emotional distress, pain and suffering, anxiety, and fear.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:

A. For special damages, including but not limited to current and future medical fees and expenses, the reasonable value of converted property, and other economic losses;

B. For other general damages, including but not limited to loss of consortium, pain and suffering, and loss of enjoyment of life;

C. For all legal and equitable remedies available under the Section 504 of the Rehabilitation Act;

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- D. For taxable costs and pre- and post-judgment interest to the extent permitted by law;
- E. For exemplary damages to the extent permitted by law;
- F. For attorney’s fees and costs; and
- G. Such other relief as the Court deems just and proper.

DATED this 20th day of September, 2018.

LAW OFFICES OF LEIGH E. JOHNSON

By: /s/ Leigh E. Johnson
 Leigh E. Johnson
 3150 Hilltop Mall Road, #63
 Richmond, CA 94806
Attorney for Plaintiff

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

Johnson, Carey, L.

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Leigh E. Johnson: Law Offices of Leigh E. Johnson 3150 Hilltop Mall Road #63, Richmond, CA 94806 Phone:(510) 245-2468/Fax:(510) 327-0325/Email:leigh@law4leigh.com

DEFENDANTS

United States of America

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

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

Attorneys (If Known)

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

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Bivens v. Six Unknown Agents, 403 U.S. 388 (1971)
Brief description of cause: Plaintiff was repeatedly roughed up, fined, and had property confiscated during US/Mexico Border crossings.

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 DOCKET NUMBER

DATE 09/20/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Leigh E. Johnson

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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

Johnson, Carey, L.

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Leigh E. Johnson: Law Offices of Leigh E. Johnson 3150 Hilltop Mall Road #63, Richmond, CA 94806 Phone:(510) 245-2468/Fax:(510) 327-0325/Email:leigh@law4leigh.com

DEFENDANTS

United States of America

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

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

Attorneys (If Known)

'18CV2178 BEN WVG

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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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country).

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

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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