

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2017 AUG 28 PM 1:42

CLERK OF THE COURT

JOHN M. CARTER, and on behalf of others)
Similarly situated)

Plaintiffs,)

vs.)

WILLIAM MULDOON, individually and)
in his official capacity as Director of NLETC)
DAVE STOLZ, individually and in his)
official capacity as Counsel for the NLETC)
NEBRASKA LAW ENFORCEMENT)
TRAINING CENTER)

DOES 1-25 inclusive,)

Defendants.)

Case No. 8:17CV319

COMPLAINT FOR RACIAL
DISCRIMINATION; DEPRIVATION
OF RIGHTS UNDER COLOR OF LAW;
INTERFERENCE WITH ECONOMIC
OPPORTUNITY; CONSPIRACY
AGAINST RIGHTS

PARTIES

1. COMES NOW, John M. Carter, an African American and honorably discharged disabled veteran and current resident of Benkelman, Dundy County, Nebraska, and is a person who is the subject of insidious racial discrimination and disparate treatment by the Director and staff of the Nebraska Law Enforcement Training Center.

2. Defendant William Muldoon (Hereinafter "Muldoon"), is an individual resident of the State of Nebraska, and is currently the Director of the Nebraska Law Enforcement Training Center.

3. Defendant Dave Stolz (Hereinafter "Stolz"), is an individual resident of the State of Nebraska, and is currently legal counsel and staff member of the Nebraska Law Enforcement Training Center.

4. The Nebraska Law Enforcement Training Center (Hereinafter NLETC), is incorporated in the County of Hall, State of Nebraska.

5. Plaintiff is ignorant of the Defendants sued as Does 1-25 herein, and thereon allege that said Doe defendants are the agents, employees, representatives, subsidiaries, and controlled entities of the named defendants here and that each Doe defendant at all times herein was acting as the agent and or representative and or conspirator of each other and thereby are responsible in some manner for the injuries and damages complained of herein. Plaintiffs will seek leave of court to amend this complaint to name the true names and capacities of Doe defendants when the same is ascertained.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1343(a)(3) and 1343(a)(4), 42 U.S.C. § 1981, 42 U.S.C. § 1983 18 U.S.C. § 241, 18 U.S.C. § 242, 18 U.S.C. § 245 and the equal protection clause of the Fourteenth Amendment to the United States Constitution because this is a suit to redress the deprivation under the color of state law of rights secured by the Constitution of the United States and/or Acts of Congress.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because this is a civil action not founded on diversity of citizenship and this is the judicial district in which the defendants reside and a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

STATEMENT OF FACTS

8. On August 14, 2017, Plaintiff entered into an employment agreement with the Dundy County Sheriff's Office in Dundy County Nebraska. During the first week of starting the employment, Sheriff Justin Nichols attempted to do a status change for the plaintiff advising the

Nebraska Law-Enforcement Training Center that the Plaintiff was now a full-time Deputy Sheriff. However, upon contacting the Training Center, Sheriff Nichols was advised that the Plaintiff had been suspended due to his failure to complete a hand gun qualification course. Initially, the Training Center refused to send any information regarding Plaintiff so the Sheriff decided to make a three-hour drive to Grand Island to personally pick up information he was requesting. During this time, William Muldoon, the Director of NLETC, had made a telephone call to the County Attorney of Dundy County Nebraska advising him that the Plaintiff should not be hired, and was a risk to the Sheriff's Department. Muldoon had advised the County Attorney that he did not believe that Plaintiff was a credible person in such employment as a law enforcement officer due to Plaintiff's prior disbarment as an attorney in the State of Nebraska. Muldoon then caused all the information concerning the Plaintiff's disbarment, nearly 6 years earlier, to be sent to the Dundy County Attorney's Office.

9. After meeting with the Sheriff, the Dundy County Attorney and the Sheriff decided the complaint and concerns as expressed by Muldoon would not be much of a consequence in the hiring decision. This was largely due to the plaintiff having previously served as both the interim and assistant the Chief of Police for the city of Tekamah, Nebraska.

10. Muldoon, disagreed with that decision, and contacted the insurance company for the County of Dundy, Nebraska and recommended that the insurance company not insure the Plaintiff against any injury, liability or damage that the plaintiff may be involved or cause due to the Plaintiff's unfitness to serve as a law-enforcement officer in Muldoon's opinion.

11. This is an ongoing problem that the Plaintiff has been experiencing with William Muldoon and the staff of NLETC. The Governor of Nebraska, who oversees the function of the NLETC has failed to properly oversee the proper operation of NLETC to be unbiased to persons

of color that attend NLETC. This form of vicious and insidious racial discrimination against persons of color, and particularly African Americans, has been an ongoing problem since 1993 when Plaintiff initially attended the Academy at NLETC as a recruit for the Lincoln Police Department, Lancaster County, Nebraska.

12. This is the latest incident in which William Muldoon and the staff at NLETC have intentionally, willfully, wantonly and maliciously interfered to prevent the Plaintiff, who is an honorably discharged Disabled American Veteran from gaining employment and succeeding as a Law Enforcement Officer. Plaintiff had gone through the Veterans Administration Jobs search and training program in San Diego, California to find suitable employment including the job at the Dundy County Sheriff's Office, after having unsuccessfully sought gainful employment for the past two and a half years.

13. William Muldoon also interfered with Plaintiff's gainful employment as a law enforcement officer when he made application with the Newman Grove the Police Department in Newman Grove Nebraska, in 2014. In that incident, Plaintiff had been interviewed, approved and hired by the City Council to serve as the Chief of Police in Newman Grove. However, after the former Police Chief, who Plaintiff was replacing, contacted Muldoon, Plaintiff was contacted by the Mayor the Saturday evening before Plaintiff was scheduled to start his position as the Police Chief for Newman Grove on the following Monday, and advised by the Mayor that the offer had been withdrawn because of information she received from NLETC regarding Plaintiff's disbarment and potential credibility issues with prosecuting cases.

14. Muldoon had further refused to allow Plaintiff to attend a management training course which, is required under state law in Nebraska, when the City Council in Tekamah, Nebraska promoted and appointed Plaintiff as the assistant and interim Chief of Police in Tekamah,

Nebraska. Thomas Lamb, who was the Chief of Police at the time, enrolled Plaintiff into the management training class. Approximately 10 days after doing so, Thomas Lamb received a telephone call from William Muldoon, advising that the plaintiff was not eligible to attend the management training because of his disbarment and an ongoing investigation. Muldoon failed and refused to provide any authority under written policy, state law or otherwise to support his decision to deny Plaintiff access to the training and education as required under state law and which training is provided only at NLETC.

15. Muldoon sent a letter to Darrell Fisher of the Nebraska Crime Commission recommending that Plaintiff's credentials as a law enforcement officer in Nebraska be revoked.

16. The Nebraska Attorney General was asked to investigate the matter by the Nebraska Crime Commission. The Nebraska Attorney General's investigation concluded that Plaintiff's law enforcement credentials were not impeded by his disbarment, since one had nothing to do with the other and Plaintiff's disbarment did not violate Nebraska State Law for Plaintiff to serve in a full unrestricted law enforcement capacity.

17. Darrell Fisher sent Plaintiff a letter disclosing the findings of the investigation and concluded Plaintiff could continue to serve unrestricted in a law enforcement capacity in the State of Nebraska.

18. The Plaintiff further refuted Muldoon's actions and was eventually admitted to the management training class, after Plaintiff received a letter 45 days later from a training center staff member, Kay Fielding, who Sent a letter to the City of Tekamah advising that Plaintiff must attend the management class after being promoted as the Assistant Chief of Police under state law within a specified time. It is upon Plaintiff's information and belief that Fielding was unaware of Muldoon's actions against Plaintiff.

19. Upon attending and completing the management training course as required under state law, Plaintiff never received the certificate of completion from NLETC.

20. Since that time and to the present day, Muldoon and Dave Stolz have contacted every employer known to them that Plaintiff sought employment with and interfered with the Plaintiff's attempt to gain suitable employment in a law enforcement capacity.

21. It is further upon Plaintiff's information and belief that Muldoon and Stolz have willfully, maliciously and wantonly "leaked" the information concerning Plaintiff's prior disbarment, which occurred over six years ago, to other employers outside of the law enforcement community as well.

22. On August 17, 2017, Plaintiff met with the Dundy County Attorney, Gary Burke, who expressed his concerns with the information that Muldoon and Stolz had brought to his attention regarding Plaintiff. The Dundy County Attorney admitted that "but for" Muldoon and Stolz, he had a completely different opinion concerning Plaintiff, but now views Plaintiff in a different light, which he believes requires disclosure of exculpatory evidence to defense counsel based on recent Nebraska case law. The Dundy County Attorney stated that he felt compelled to disclose the information that Plaintiff may have credibility issues in cases that may come before the Court. Rather than to wait and see what defense attorneys may raise as issues, if any, the County Attorney contacted the Public Defender for Dundy County and expressed his concerns regarding Plaintiff's status as a disbarred attorney and expressed he would expect credibility challenges from her. This is exactly the result that Muldoon and Stolz sought against Plaintiff and again is a common and well-known tactic used by white supremacist groups to defame and discredit persons of color.

23. The action of Stolz and Muldoon have placed the Plaintiff in a hostile work environment and placed the Plaintiff in danger as a law enforcement officer. In a small community, it is anticipated that the Plaintiff's authority will be consistently challenged even by the lowest thug in the community. Defendants will always raise credibility challenges because that is what they are being directed to do if they are cited or arrested by Plaintiff. The Defendant's conspiracy to place Plaintiff in such a position that compromises his safety as a law enforcement officer is despicable, reprehensible and beyond human decency.

24. The primary duty of the Defendants is to do justice. In this case, the Defendants have failed in that responsibility and instead fallen into the shameful and disgusting rite of attrition with the tactic and goals of white supremacy as orchestrated by Muldoon and Stolz. The Plaintiff is being treated no different than black men were treated in the 1950's by the Klu Klux Klan when it comes to dealing with these conspirators.

25. Plaintiff is informed and believes that both Muldoon and Stolz have committed and continue to commit these acts of interference with Plaintiff's economic opportunity because he is a black male. Plaintiff knows of other non-black males currently serving as law enforcement officers (one in particular) that has been declared by a Federal District Judge in Nebraska not to be fit or credible to serve in a law enforcement capacity, and made such statements as a matter of record. A Federal District Court Judge wrote an opinion that Jamie Keats, (A white male) serving as a Deputy Sheriff in Burt County, Nebraska, was unfit to serve as a law enforcement officer because Keats had basically embellished and manufactured evidence used in a search warrant in a drug case to get the suspect convicted. The Federal Judge went on to describe Deputy Keats as a liar and manipulator and stated that he was "untrustworthy." Muldoon, Stolz nor NLETC took no action to have Keats de-certified or revoked. Nor does it appear that the

Defendants made overt efforts to discredit Keats in anyway or interfere with his efforts to secure other law enforcement positions both within and outside of Nebraska.

26. Plaintiff has firsthand knowledge that Keats continued to retain his credentials as a certified Nebraska Law Enforcement Officer and even applied for a position as an investigator with a federal agency and was never challenged by Defendants. That form of white privilege and white supremacy cannot be overlooked. Plaintiff was disbarred over six years ago and a Google search of Plaintiff's name will disclose information of Plaintiff's disbarment in the first page. Keats, on the other hand, as serious as his conduct was against public trust and interest, is not found in a Google search of his name regarding the search warrant incident at all.

27. Plaintiff is informed and believes the Defendants, through collaboration with one or more co-conspirators to continuously defame Plaintiff's character and tortuously interfere with his constitutional privilege to earn a living, is keeping Plaintiff highlighted in Google and other media searches to defame and disgrace the Plaintiff.

28. The fact that Muldoon never sought to discredit or de-certify a white officer that had been deemed untrustworthy as law enforcement officer by a United States Federal District Court Judge is troubling. The record is replete with incidents where white officers in Nebraska have demonstrated they are unqualified and unfit to serve in law enforcement capacities in one form or another and have never been challenged by Muldoon, Stolz or NLETC. Plaintiff personally knows and has served with some of these officers.

29. Plaintiff has been denied employment with other law enforcement agencies in Nebraska or terminated from such opportunity after having been offered a position due to the direct cause of Muldoon, Stolz and NLETC.

30. In every instance, Muldoon and Stolz were acting as individual white supremacist while serving in their official capacities to ensure Plaintiff and other Negro persons similarly situated would not succeed as law enforcement professions in the State of Nebraska.

31. During Plaintiff's service as the Interim Chief of Police for the Tekamah, Nebraska Police Department, Plaintiff applied to the NLETC to send an African American male, Aubrey Miller, through the training academy. Initially Miller was rejected due to the gross incompetence and negligent handling of his application and medical records by the NLETC staff. Miller's medical information had to be sent several times because the staff would claim that it had not received the information. However, Plaintiff maintained records of every successful facsimile transmission and would follow up each transmission with the telephone call confirming the information had been received.

32. Miller was denied admission and had to get a waiver allowing him to attend the academy out of the specified time as mandated under state law to attend after having been hired and trained on the job. Once Miller was finally admitted, Muldoon and Brenda Urbanek took great strides to have Miller dismissed from the Training Academy before completing his certification. Miller is an African American Male and honorably discharged United States Army Veteran.

33. However, each of their attempts were met with strenuous resistance and Miller finally did complete the Training Academy, but to no credit to Muldoon and his staff.

34. It is noteworthy that after his disbarment in Nebraska, Plaintiff's attorney received a letter from the FDIC, who also investigated issues concerning Plaintiff's disbarment and found that the Plaintiff's account of the events that happened were truthful. The Banker that told the Counsel for Discipline that the funds had been "misappropriated" was convicted and imprisoned for his

many acts of indiscretion and dishonesty at the bank. These facts have never been published on the Plaintiff's behalf.

35. Further, the money that was allegedly "MISAPPROPRIATED" was reimbursed to the Plaintiff in a settlement offer from the bank, but that settlement was intentionally withheld until after the Plaintiff was effectively disbarred by the Nebraska Supreme Court.

36. When Plaintiff appeared before the Supreme Court of Iowa, after John Steele, from the Nebraska Counsel for Discipline, sought to have Plaintiff disbarred in Iowa under reciprocity, the Iowa Supreme Court stated on the record "...The Nebraska Supreme Court stated you were disbarred on clear and convincing evidence for misappropriation of funds. I have read their transcript three or more times and it is not clear and I'm certainly not convinced that you should have been disbarred..." The Iowa Supreme Court then when on to inquire as what Plaintiff thought was the real reason that he had been disbarred in Nebraska. Plaintiff knew the Court was inquiring if it had anything to do with his race, ethnicity or national origin, but at the time Plaintiff was reluctant to say so because Plaintiff thought in doing so it may jeopardize his opportunity to be reinstated in Nebraska after five years.

37. Plaintiff has a good faith belief the entire disbarment of Plaintiff was largely because of Plaintiff's efforts to reverse foreclosures that were happening with poor and disabled people in the Omaha and Lincoln Nebraska areas.

38. When Plaintiff was disbarred it was done with the specific intent to discredit the Plaintiff and cause a lingering and permanent effect that Muldoon and Stolz are using against the Plaintiff to the present day and will continue to use unless this Court enters a permanent injunction against them for doing so.

39. Plaintiff's disbarment was placed on the AP news wire and published across the country. Plaintiff knows of no other white attorney in Nebraska that has ever happened to except when a crime was committed and the attorney had been indicted or actually charged.

40. Federal District Court Judge Laurie Smith Camp also sent a letter to the American Bar Association and made a District Court record concerning the issues of Plaintiff's disbarment. Absent being charge with a crime, Plaintiff knows of no other white attorneys in Nebraska that were treated in the same way by a Nebraska Federal District Court Judge as Plaintiff has been treated regarding his disbarment from Nebraska without having also been formally charged with a crime. In Fact, checking the United States District Court Disciplined Attorney website, it lists publically, all of the disciplined attorneys in Nebraska since 2010. There are only two names on that public list. One is that of the Plaintiff and the other is Terri Crawford, who is an African American Female who was also disbarred in Nebraska. No other attorney names are listed or mentioned. The obvious assumption is that no white attorneys in Nebraska have been disciplined, suspended or disbarred in Nebraska since 2010. Only the two Negroes listed. The Federal Bureau of Investigation (FBI) has recently published its investigative reports that White Supremacist have infiltrated key positions in law enforcement agencies, the courts and corporate positions to carry out their discriminatory and racist agendas. This fact has been confirmed and cannot be casually overlooked.

41. Based upon the above facts, Plaintiff has been discriminated against and will continue to be discriminated against unless and until Defendants are enjoined and forced to cease and desist from continuing to discriminate against Plaintiff and others similarly situated.

**FIRST CAUSE OF ACTION
Deprivation of Equal Protection and Due Process
(42 U.S.C. § 1982)**

42. Plaintiff incorporates the allegations contained in the preceding paragraphs as set forth in full herein.

43. The Nebraska Law Enforcement Training Center, Muldoon and Stolz are exercising authority under the color of state law because they are a governmental entity and used the presence and enforcement of their individual and collective authority to carry out their deprivation of rights against the Plaintiff and his family.

44. Each of the defendants knew, or should have known, that their actions were within their scope of authority and constituted a pattern and practice racial discrimination and a callous disregard for the constitutional rights of those violated. Defendants continued actions of disseminating such disparaging information regarding the Plaintiff in small communities where Plaintiff is serving as a law enforcement officer creates an officer safety issue as well as a hostile work environment.

SECOND CAUSE OF ACTION
Conspiracy against Rights
(18 U.S.C. §241)

45. Plaintiff refers to and incorporates by reference each and every allegation of the paragraphs above as though fully set forth herein.

46. Under 18 U.S.C. §241 “If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—They shall be fined under this title or imprisoned not more than ten years, or both...”

47. Muldoon and Stolz have maliciously and intentionally interfered with the Plaintiff's rights to earn and living and work in a capacity in which he is fully qualified to do. Such a reckless and callous disregard of the Plaintiff's Constitutional Right as defined by the United States Supreme Court based upon the Plaintiff race and ethnicity is an outrageous violation of Plaintiff's federally protected rights and an attack on the service of every American Veteran that has honorably served this country.

48. Muldoon contacted the Dundy County Attorney to disclose the fact that Plaintiff had been disbarred in an effort to have that information disseminated to defense attorneys in every case Plaintiff is involved in order to suggest to the defense that Plaintiff is not a credible witness in any enforcement action the Plaintiff may take in the course of performing his duties. That conduct creates a hostile work environment and is intended to impede and or destroy any confidence the Dundy County Attorney may have had in the Plaintiff. This move is calculated to enforce and give weight to Muldoon's quest to have the Plaintiff's employment as a law enforcement officer terminated. It is a tactic being deployed by Defendants to recruit persons like the Dundy County Attorney to take a position that he cannot faithfully discharge his duties as a prosecutor handling Plaintiff's cases.

49. Not only is that tactic ridiculous, bias and unfair, but it is a common tactic used by white supremacist to recruit lesser informed persons to assist in carrying out their hatred and bigotry against persons of color.

50. The fact that Plaintiff served in a law enforcement capacity as the Interim and Assistant Chief of Police in Tekamah, Nebraska without incident is noteworthy. The Burt County Attorney and Judges in Burt County had no issues with defense counsel raising issues about Plaintiff's "credibility" in the performance of his duties as a law enforcement officer.

51. The only time Plaintiff's credibility to perform his duties as a law enforcement officer has ever been raised is when the Defendants have contacted persons within the jurisdictions where Plaintiff was performing his duties as a law enforcement officer and made it the subject of discussion and provided targeted information for the receiving parties to consider.

**THIRD CAUSE OF ACTION
(Racial Discrimination under Color of Law)**

52. Plaintiff refers to and incorporates by reference each and every allegation of the paragraphs above as though fully set forth herein.

53. The treatment complained about above violates 42 U.S.C. § 1981 inasmuch as it is unlawful discrimination based on race in the relationship between the plaintiffs and defendants.

**FOURTH CAUSE OF ACTION
Deprivation of Right under Color of Law
(18 U.S.C. §242)**

54. Plaintiff refers to and incorporates by reference each and every allegation of the paragraphs above as though fully set forth herein.

55. 18 U.S.C. §242 states in part "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both..."

56. In the case at bar, the Defendants and each of them continue to deprive the Plaintiff of the right and privilege to serve in a law enforcement capacity (of which he is duly qualified) and has done for the past twenty-six years. Defendant's conduct is intended and calculated to subject the Plaintiff to disparate treatment and continuous punishment for having been disbarred.

Notwithstanding that the Plaintiff could apply for reinstatement after five years and has done so.

57. Not even a person convicted of a felony endures such targeted and hostile treatment from a governmental agency or its representatives bent on a quest to defame and discredit an individual. Plaintiff has been and is continuously targeted and treated with disparity solely based upon his race, color and ethnicity by Muldoon and Stolz as well as the staff at the NLETC and other unknown co-conspirators.

58. The treatment complained about above violates 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution inasmuch as it is unlawful race discrimination.

FIFTH CAUSE OF ACTION
Federally Protected Activities
(18 U.S.C. §245)

59. Plaintiff refers to and incorporates by reference each and every allegation of the paragraphs above as though fully set forth herein.

60. 18 U.S.C. §245(B)(c) states in part that it is unlawful for anyone "...whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment

agency...” for the reasons stated in the preceding paragraphs, Plaintiff alleges that Defendants and each of them have violated the Plaintiff’s federally protected rights under this federal law.

61. If the Court fails to intervene and grant this Temporary Restraining Order, the Defendants will effectively bar and deprive the Plaintiff any use, of his law enforcement credentials under the guise of Plaintiff not being credible.

62. The Plaintiff will be further harmed by the willful, wanton and callous disregard of his state and federal constitutional rights by the Defendants due to their intentional discrimination against Plaintiff if the Court fails to intervene.

**SIXTH CAUSE OF ACTION
(Interference with Economic Opportunity)**

63. Under Nebraska law, any plaintiff bringing an action for tortious interference with a business relationship or tortious interference with business expectancy must prove five elements. First, it must be shown that a valid business relationship or expectancy existed at the time of the tortious interference. Second, the interferer must have been aware of the relationship or expectancy. Third, the act of interference must have been unjustified and intentional. Fourth, there must be proof that the interference caused the harm claimed by the plaintiff. Fifth, there must have been actual damage to the plaintiff whose business relationship or expectancy was allegedly harmed. *Forest Prods. Indus. v. Conagra Foods, Inc.*, 460 F.3d 1000, 1002 (8th Cir. Neb. 2006) citing *Macke v. Pierce*, 266 Neb. 9, 14, 661 N.W.2d 313, 317 (2003).

64. In the case at bar, Plaintiff sought and applied for employment with the Dundy County Sheriff’s Office and was offered a position as a Deputy Sheriff; secondly, Muldoon was made aware of the Plaintiff’s and immediately took steps to interfere with that hiring decision and

cause the Plaintiff to be terminated or have the employment offer withdrawn. Thirdly, there was no justification for the Defendants to act in the way they did because it had been determined two years early through an investigation by the Nebraska Attorney General that Plaintiff service as a law enforcement officer was unhindered by his disbarment. Muldoon was made aware of this fact when he initially attempted to have the Plaintiff decertified as a law enforcement officer in Nebraska. Lastly, the Plaintiff has been and continues to be harmed by the tortious interference of the Defendants and each of them, because the Plaintiff is denied employment based upon the Defendants intentional interference or his credibility is compromised due to the acts and conduct of the Defendants to cause such a result.

65. Plaintiff knows is informed and believes the Mayor, who has also received the information provided by Muldoon and Stolz have now been referring to Plaintiff as “that Goddamn Nigger that has taken a job from a good white man.” Plaintiff is never referred to by his name, but a “Coon” or a “Fucking Spear Chucking Jigaboo.” The racial tension and climate among residents caused by Muldoon and Stolz is gradually gaining momentum. The Defendants actions against Plaintiff are the catalyst and direct cause of Plaintiff’s compromised safety as a law enforcement officer in a small community.

**SEVENTH CAUSE OF ACTION
Injunctive Relief**

66. Plaintiff is informed and believes and thereon alleges that defendants will continue to deprive Plaintiff of his civil rights and create irreparable harm to his person, property and security by continuing to defame Plaintiff’s character as a law enforcement officer.

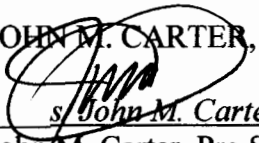
67. Unless the court intervenes and issues a TRO in order to prevent further harm to plaintiff, the Defendants will have effectively used their positions of power to circumvent federal law in violation of the civil and federally protected rights.

WHEREFORE, Plaintiff prays as follows:

- A. That a Temporary Restraining Order be issued immediately halting further defamation of Plaintiff's name and reputation;
- B. That the Court would order the Nebraska Law Enforcement Training Center to issue the Management Certificate earned to Plaintiff;
- C. That the Court Order William Muldoon and Dave Stolz to immediately cease and desist their racial bias and discriminatory conduct toward Plaintiff and other persons of color serving in law enforcement capacities in Nebraska;
- D. That this Court enters a declaratory judgment finding that the actions Defendants were contrary to state and federal law.
- E. That this Court award money damages for the deprivation of rights suffered by the Plaintiffs and others similarly situated, such damages to be paid by the State of Nebraska and each named defendant as joint and several liability;
- H. That this Court award plaintiff's attorney fees and costs of suit;
- I. and for such other relief the Court deems just and proper.

DATED: this 25th day of August, 2017

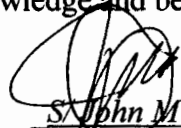
JOHN M. CARTER, PLAINTIFF


s/ John M. Carter

John M. Carter, Pro Se
729 Eagle Street
Benkelman, Nebraska 69021
619-994-0792
johncarter0729@gmail.com

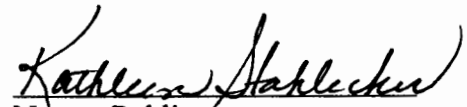
STATE OF NEBRASKA)
)ss.
COUNTY OF DUNDY)

COMES NOW John M. Carter, Named Plaintiff herein, and states that all the above statements are true and correct to the best of his personal knowledge and belief.



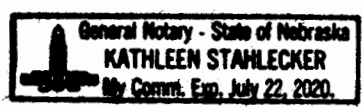
John M. Carter, Pro Se

Subscribed and sworn to before me this 25th day of August, 2017.



Notary Public

(SEAL)



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.)

<p>I. (a) PLAINTIFFS</p> <p>(b) County of Residence of First Listed Plaintiff <u>DUNDY</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> JOHN M CARTER, PRO SE 729 Eagle Street Benkelman, Nebraska 69021</p>	<p>DEFENDANTS</p> <p>County of Residence of First Listed Defendant <u>HALL</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT *(Place an "X" in One Box Only)* Click here for: Nature of Suit Code Descriptions.

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans <i>(Excludes Veterans)</i></p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
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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)*:
18 U.S.C. 241, 18 U.S.C. 242, 18 U.S.C. 245

Brief description of cause:
RACIAL DISCRIMINATION; CONSPIRACY AGAINST RIGHTS

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 August 25, 2017 SIGNATURE OF ATTORNEY OF RECORD s/John M Carter, Pro Se

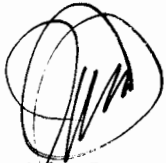
FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Please find the enclosed Original complaint and two copies to be stamped and returned in the enclosed self-addressed, stamped envelope.

My intent with the filing without fee application is to ask the Court to allow the filing immediately, and allow the full fee to be paid in 15 days from the day of accepted filing if a fee is required.

I just started this job, and have not been paid enough with past due and current obligations to pay the full fee today.

A handwritten signature in black ink, consisting of several overlapping loops and a final vertical stroke, enclosed within a roughly drawn oval.

John Carter

729 EAGLE STREET
BENKELMAN, NE 69021



1000



68102

U.S. POSTAGE
PAID
BENKELMAN, NE
69021
AUG 25, 17
AMOUNT
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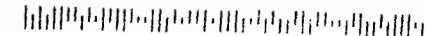
FIRST CLASS

RECEIVED

AUG 28 2017

CLERK
U.S. DISTRICT COURT

CLERK,
UNITED STATES DISTRICT COURT
ROMAN L. HRUSKA FEDERAL COURTHOUSE
111 SOUTH 18TH PLAZA
SUITE 1152
OMAHA, NE 68102



ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [NE Law Enforcement Training Center Director, Counsel Facing Racial Discrimination Lawsuit](#)
