

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
Beaumont Division**

**Michael David Bellow Jr.**

**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
KATHLEEN SEBELIUS, in her official  
capacity as the Secretary of the United States  
Department of Health and Human Services;  
UNITED STATES DEPARTMENT OF  
THE TREASURY; TIMOTHY F.  
GEITHNER, in his official capacity as the  
Secretary of the United States Department  
of the Treasury; UNITED STATES  
DEPARTMENT OF LABOR; and HILDA  
L. SOLIS, in her official capacity as Secretary  
of the United States Department of Labor,**

**Defendants.**

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**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

**MAR 24 2010**

DAVID J. MALAND, CLERK  
BY  
DEPUTY *[Signature]*

1:10CV0165

**I. ATTEMPT TO SECURE COUNSEL:**

There has been no attempt to secure counsel. Plaintiff submits this complaint Pro Se.

**II. PREVIOUS LAWSUITS:**

Plaintiff has not begun any other lawsuit dealing with the same facts involved in this case.

**III. PARTIES TO THIS SUIT:**

A) Plaintiff:

MICHAEL DAVID BELLOW JR.  
230 Beech Dr.  
Lumberton, TX 77657

B) Defendants:

- 1) UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; KATHLEEN SEBELIUS, in her official capacity as the Secretary of the United States Department of Health and Human Services;
- 2) UNITED STATES DEPARTMENT OF THE TREASURY; TIMOTHY F. GEITHNER, in his official capacity as the Secretary of the United States Department of the Treasury;
- 3) UNITED STATES DEPARTMENT OF LABOR; and HILDA L. SOLIS, in her official capacity as Secretary of the United States Department of Labor.

**IV. STATEMENT OF CLAIM:**

- 1) H.R. 3590 (the Act) was passed by the United States House of Representatives and, on March 23, 2010, it was signed into law.
- 2) The Act is an unconstitutional encroachment into to lives of individuals living in America by mandating that all citizens and legal residents of the United States have qualifying healthcare coverage or pay a tax penalty. The Constitution nowhere authorizes the United States to mandate, either directly or under threat of penalty, that all citizens and legal residents have qualifying healthcare coverage. By imposing such a mandate, the Act exceeds the powers of the United States under Article I of the Constitution and violates the Tenth Amendment to the Constitution.
- 3) The tax penalty required under the Act, which must be paid by uninsured citizens and residents, constitutes an unlawful capitation or direct tax, in violation of Article I, sections 2 and 9 of the Constitution of the United States.
- 4) The Act is in violation of the IV Amendment to the Constitution of the United States by unreasonably searching and requiring unwarranted access to every American's personal health insurance records for verification of health insurance.
- 5) Michael David Bellow Jr. is an American citizen whose constitutional rights have been infringed upon by said Act through the Act's future tax penalty that could be imposed on him for simply being alive in America and through the Acts requirement to have health insurance which goes beyond the realm of regulating and enters the realm of forcing a citizen to buy a private, personal service against their will.
- 6) HHS is an agency of the United States, and is responsible for administration and enforcement of the Act, through its center for Medicare and Medicaid Services.

- 7) Kathleen Sebelius is Secretary of HHS, and is named as a party in her official capacity.
- 8) Treasury is an agency of the United States, and is responsible for administration and enforcement of the Act.
- 9) Timothy F. Geithner is Secretary of the Treasury, and is named as a party in his official capacity.
- 10) DOL is an agency of the United States, and is responsible for administration and enforcement of the Act.
- 11) Hilda L. Solis is Secretary of DOL, and is named as a party in her official capacity.

**V. RELIEF:**

Plaintiff seeks declaratory and injunctive relief against the Act's operation to preserve the plaintiff's individual freedom, public health, and welfare. The Plaintiff specifically requests that the Court:

- A) Declare H.R. 3590 to be in violation of Article I of and the Tenth Amendment to the Constitution of the United States, in violation of Article I, sections 2 and 9 of the Constitution of the United States, and also in violation of the IV Amendment to the Constitution of the United States;
- B) Declare Defendants to have violated the Plaintiff's constitutional right of freedom, public health, and welfare;
- C) Enjoin Defendants and any other agency or employee acting on behalf of the United States from enforcing the Act against the Plaintiff and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; and
- D) Award Plaintiffs their reasonable Court fees and costs, and grant such other relief as the Court may deem just and proper.

Signed this 24<sup>th</sup> day of March, 2010

  
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Plaintiff, Michael David Bellow Jr.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 24<sup>th</sup>, 2010

  
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Plaintiff, Michael David Bellow Jr.