

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION

FILED

2010 APR -8 P 1:43

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK

ANTHONY SHREEVE

Plaintiff,

v.

CIVIL ACTION NO:

1:10-cv-71

Collier / Carter

BARACK OBAMA, in his official capacity as
President of the United States;
HARRY REID, in his official capacity as
Majority Leader of the Senate
NANCY PELOSI, in her official capacity as
Speaker of the US House of Representatives; and
THE UNITED STATES OF AMERICA,

Defendants

COMPLAINT

Introduction

This is a Complaint seeking declaratory, injunctive, and monetary relief for violations of the United States Constitution and breach of duty.

Jurisdiction and Venue

1. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1346, and 1361.
The Court has authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.
2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1402.

Parties

3. Plaintiff Anthony Shreeve is a United States citizen and an adult resident of Jefferson County Tennessee.
4. Defendant Barack Obama is an individual currently holding the office of the President of the United States.
5. Defendant Harry Reid is an individual currently holding the office of the Majority Leader of the US Senate.
6. Defendant Nancy Pelosi is an individual currently holding the office of the Speaker of the US House of Representatives.
7. Defendant United States of America (hereinafter "US") is a political entity formed by and under the Constitution of the United States. Said Defendant was created for the sole purpose of serving the individual States and the people.

Facts

8. The purpose of the U.S. Constitution is to grant specific and limited powers to the Federal Government.
9. The powers granted to the Federal Government are limited by the Constitution in order to protect individual States and individual citizens from abuse of power by the Federal Government.

10. The 10th Amendment to the Constitution explicitly establishes that the Federal Government has no authority to perform any particular act, unless the Constitution explicitly grants the Federal Government authority to so act.
11. The purpose of the 10th Amendment is to reiterate the overall purpose of the Constitution, and to emphasize the limitations placed upon the Federal Government's authority to act.
12. The individual states refused to ratify the Constitution until after the first ten amendments, the Bill of Rights, including the 10th Amendment, were included in the Constitution.
13. All rulings by any Federal Court that leave no appreciable limitations upon Congressional authority clearly destroy the central purpose of the Constitution. All such rulings, therefore, violate the most fundamental canon of legal interpretation. Specifically all precedent that interprets the Commerce clause or the General Welfare clause of the Constitution as granting Congress essentially unfettered authority to regulate all aspects of human interaction, effectively destroy the most important purpose of the Constitution. Such precedent has eroded the foundations of our Republic, and must be overturned.
14. Any law passed by the Federal Government that is not within the specific authority granted the Federal Government by the Constitution is null and void, and is unenforceable.
15. Citizens of the United States have no obligation to act in accordance with any law passed by the Federal Government that attempts to regulate matters not

within the scope of authority granted to the Federal Government by the Constitution.

16. Nothing in the Constitution grants the Federal Government authority to regulate healthcare.
17. The Patient Protection and Affordable Care Act (hereinafter “Obamacare”) is a Federal law that purports to regulate healthcare. Therefore, Obamacare in its entirety is unconstitutional and unenforceable.
18. On March 21, 2010 Defendant Pelosi presided over the House of Representatives passage of Obamacare. Defendant Pelosi also voted for Obamacare in her capacity as a Congressional Representative.
19. On December 24, 2009 Defendant Reid presided over the Senate’s passage of Obamacare. Defendant Reid also voted for Obamacare in his capacity as a Senator.
20. On March 23, 2010 Defendant Obama signed Obamacare in his capacity as President of the United States.
21. Defendants Obama, Reid, and Pelosi voluntarily took an oath to uphold and defend the Constitution of the United States as a prerequisite to taking the offices they now hold.
22. Defendants Obama, Reid, and Pelosi ignored the purpose of the Constitution and violated their oaths of office by supporting, voting for, and signing Obamacare.

FIRST CAUSE OF ACTION

(Abuse of Authority)

23. The actions of the Defendants, as set forth in paragraphs 1-20 above, which are fully incorporated herein, are not within the scope of authority granted to the Defendants by the people of the United States, through the U.S.

Constitution.

24. As a direct result of Defendant's abuse of authority, the Plaintiff has suffered direct and immediate violations of his Constitutional rights and is therefore entitled to injunctive relief, declaratory relief, and damages, pursuant to Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. § 2201; to redress and remedy of the violations, and to prevent irreparable harm and future violations of his rights and the rights of others.

SECOND CAUSE OF ACTION

(Violation of 10th Amendment)

25. The actions of the Defendants, as set forth in paragraphs 1-20 above, which are fully incorporated herein, violate the explicit limitations placed upon Defendants authority by the 10th Amendment to the U.S. Constitution.

26. As a direct result of Defendant's actions, the Plaintiff has suffered direct and immediate violations of his Constitutional rights and is therefore entitled to injunctive relief, declaratory relief, and damages, pursuant to Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. § 2201; and to redress and remedy of

the violations, and to prevent irreparable harm and future violations of his rights and the rights of others.

THIRD CAUSE OF ACTION

(Breach of Oath of Office)

27. The actions of the Defendants, as set forth in paragraphs 1-20 above, which are fully incorporated herein, represent a breach of Defendants Obama's, Reid's, and Pelosi's duties contained within their oaths of office to protect and defend the U.S. Constitution.
28. As a direct result of Defendant's actions, the Plaintiff has suffered direct and immediate violations of his constitutional rights and is therefore entitled to injunctive relief, declaratory relief, and damages, pursuant to Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. § 2201; and to redress and remedy of the violations, and to prevent irreparable harm and future violations of his rights and the rights of others.

Prayer and Relief

WHEREFORE, the Plaintiff respectfully asks for judgment in his favor and against Defendants, including a declaration that the actions of Defendants, as described herein, were and are unconstitutional, illegal, and void, and that the same were in contravention of Plaintiff's constitutional rights; temporary and permanent injunctive relief; an order requiring the Defendants to halt enforcement of Obamacare; and damages

according to proof, expenses and costs associated with the maintenance of this action,
and all such further relief as the Court may deem just and proper.

Dated:

4/8/10



Van R. Irion
Law Office of Van R. Irion, PLLC
9040 Executive Park Drive, Suite 223
Knoxville, TN 37923

CIVIL COVER SHEET

1:10-cv-71
CLC/WBC

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Anthony Shreeve

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

(c) Attorney's (Firm Name, Address, and Telephone Number)
Law Office of Van R. Irion, PLLC
9040 Executive Park Dr., Ste. 223, Knoxville, TN 37923
(865) 809-1505

DEFENDANT
Barack Obama
Harry Reid
Nancy Pelosi
United States of America
County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
U.S. DISTRICT COURT
EASTERN DISTRICT OF TENN.
DEPT. CLERK
US Attorney General

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)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | 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)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State 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
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:
Breach of Duty, Abuse of Authority, Violation of 10th Amendment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 04/08/2010 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

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