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1 **United States Court of Appeals for the Ninth Circuit**

2 **Dennis Bruce Allums, Plaintiff-Appellant**

3 v.

4 **City of Oakland, et al., Defendants-Appellees**

FILED _____

DOCKETED _____

DATE _____ INITIAL _____

5 **Appeal from the United States District Court for the Northern District of California**

6 Honorable Judge Thomas

7 Case No. 24-6837

8 _____

9 **Appellant's Opening Brief (Final)**

10 _____

11 **Statement of the Case**

12 Plaintiff-Appellant Dennis Bruce Allums respectfully appeals the District Court's October 10,
13 2024, dismissal of his complaint with prejudice. The District Court 1) erred in denying Mr.
14 Allums, a pro se litigant, the opportunity to amend his complaint to clarify his claims, contrary to
15 well-established principles favoring liberal amendment of pleadings for pro se litigants. 2) The
16 Judge was wrong in mentioning/taking into consideration a previous court case dismissed
17 without prejudice and 3) the plaintiff a paid his \$400 filing fee and yet the judge ignored all of
18 this. For this and numerous other errors the plaintiff appeals.

19 **Introduction**

20 Plaintiff-Appellant Dennis Bruce Allums, proceeding as a pro se litigant, filed this action against
21 the City of Oakland to address egregious violations of his civil rights and those of other African
22 Americans on January 22, 2022 at the Oakland public library. These violations stem from the
23 City of Oakland's and its police department's failure to document Plaintiff's status as the
24 primary victim of a racially motivated hate crime and attempted murder. The repercussions of
25 these failures extend far beyond mere administrative neglect—they caused catastrophic harm to
26 Plaintiff's physical and emotional well-being and denied him and other victims the fundamental
27 protections afforded under the law.

28 The events underlying this lawsuit culminated in Plaintiff suffering three cardiac arrests within
29 24 hours of hospitalization. These medical emergencies were compounded by severe
30 complications, including four strokes, heart valve surgery, kidney dialysis, blood clots, and
31 additional surgeries—all arising after nearly 35 years of robust health. These physical afflictions
32 are directly tied to the hate crime and the City's subsequent failure to properly record and
33 investigate the incident.

34 **The Court as the Proper Venue for Remedy**

1 Courts serve as the proper venue to compel corrections to police reports when city officials fail
2 to act responsibly. Judicial oversight ensures that governmental entities uphold their duties,
3 adhere to constitutional protections, and prevent arbitrary or discriminatory practices.

- 4 • **Gonzaga University v. Doe, 536 U.S. 273 (2002):** This case emphasized that individuals
5 have the right to seek redress in federal court when their rights are impacted by state
6 actions. The correction of damaging and false police reports falls within this scope to
7 ensure fairness and accountability.

8 Residents have the right to seek judicial intervention to compel the correction of damaging and
9 false police reports. Such actions are grounded in the protections afforded by the Due Process
10 and Equal Protection Clauses of the Fourteenth Amendment and supported by § 1983. The court
11 system is the appropriate venue to hold the city accountable, ensuring that public records
12 accurately reflect the truth and that all residents receive fair and equal treatment under the law.

14 Procedural Due Process in Federal Courts

15 Procedural due process ensures that legal proceedings are fair and just, including the right to:

- 16 • Receive notice of the charges or claims against them,
- 17 • A fair opportunity to be heard,
- 18 • Representation by legal counsel if necessary.
- 19 • Case Example: **Mathews v. Eldridge, 424 U.S. 319 (1976)** provided a framework for
20 procedural due process, requiring courts to balance:
 - 21 1. The individual's private interest,
 - 22 2. The risk of erroneous deprivation of such interest through current procedures, and
 - 23 3. The government's interest in administrative efficiency.

25 Substantive Due Process Protections

26 Substantive due process protects citizens from arbitrary government actions that infringe upon
27 fundamental rights.

- 28 • Case Study: **Roe v. Wade, 410 U.S. 113 (1973)** established that substantive due process
29 includes privacy rights, illustrating the breadth of protections beyond procedural fairness.
- 30 • Case Example: **Obergefell v. Hodges, 576 U.S. 644 (2015)** expanded substantive due
31 process to include the right to marriage equality.

33 Federal Courts' Duty to Uphold Due Process

1 Federal courts are constitutionally mandated to uphold due process as a critical safeguard of
2 individual liberties and checks on governmental power. Denial of due process undermines the
3 judicial system and violates the Constitution.

- 4 • Case Study: **Hamdi v. Rumsfeld, 542 U.S. 507 (2004)** held that even in national security
5 matters, U.S. citizens are entitled to due process to contest their detention.

6 The right to due process is a fundamental constitutional guarantee enshrined in the Fifth and
7 Fourteenth Amendments. Federal courts have an obligation to ensure that citizens are afforded
8 procedural and substantive fairness in legal proceedings, as consistently upheld by U.S. Supreme
9 Court precedents. Denying due process would not only violate constitutional protections but also
10 erode public trust in the judicial system.

11
12 **The preceding legal brief is based on the following revealing conclusions by the**
13 **following two Judges. Revealing quotes from first, LAUREL BEELER then Trina L.**
14 **Thompson:**

15 1.

16 “Before directing the United States Marshal to serve the defendant with the plaintiff’s
17 complaint, the court must screen it for minimal legal viability. 28 U.S.C. § 1915(e)(2)(B). The
18 **complaint is insufficient** under Section 1915 because the *plaintiff has failed to provide “a*
19 *short and plain statement of the claim showing that [he] is entitled to relief”* pursuant to
20 Rule 8. Fed. R. Civ. P. 8(a). **There are no viable claims.** The case should be dismissed.”

21 The plaintiff was the reason for the police call as a screaming librarian told the
22 dispatcher that the plaintiff was being stabbed, and then each and every officer he
23 confronted ignored him and forced him to limp home. The officers then refused to provide
24 medical attention and when he complained to their superior O.P.D. Officer Collin Cameron
25 he laughed and began cracking jokes laughing as he said “what do you want to do sue him”
26 and then burst into more laughter. The Plaintiff then complained to the city council and
27 they sent O.P.D. Officer Brown who attempted to bribe him resulting in the plaintiff hanging
28 up on him and reporting him to his superiors who again did nothing; and that’s just 15% of
29 the documented claims in his original complaint.

30 2.

31 “This case will be reassigned to a district judge, first to Judge Thompson for her determination
32 *about whether the case is related to the earlier-filed case* and, if not, thereafter to a randomly
33 assigned district judge.”

34 The Judge is not allowed to consider an earlier cases as it was dismissed without
35 prejudice, which makes it as if the case was never filed.

1 3.

2 *"In her screening order **in the earlier lawsuit**, Judge Westmore found that the plaintiff did*
3 *not "cite to any authority that the refusal to file a police report or provide him with evidence*
4 *violates the law" and that "there was likely no deprivation of rights." Accordingly, Judge*
5 **Westmore concluded that the plaintiff didn't "set forth 'a short and plain statement of**
6 **the claim showing that [he] is entitled to relief"**

7 So he should amend his original complaint with an short and plain
8 staement but this was not allowed.

9 4.

10 The statute "is designed largely to discourage the filing of, and waste of judicial and
11 private resources upon, **baseless lawsuits that paying litigants** generally do not initiate
12 because of the costs of bringing suit."

13 Problem: Plaintiff did pay the \$400. Fee. Thus an irrelevant argument.

14 5.

15 **"A complaint . . . is frivolous where it lacks an arguable basis** either in law or in fact."
16 Denton v. Hernandez, 504 U.S. 25, 31 (1992). The definition of frivolousness **"embraces not**
17 **only the inarguable legal conclusion, but also the fanciful factual allegation."**

18

19 Again, the plaintiff was the reason for the police call as a screaming librarian
20 told the dispatcher that the plaintiff was being stabbed, and then each and every officer he
21 confronted ignored him and forced him to limp home. The officers then refused to provide
22 medical attention and when he complained to their superior O.P.D. Officer Collin Cameron
23 he laughed and began cracking jokes laughing as he said "what do you want to do sue him"
24 and then burst into more laughter. The Plaintiff then complained to the city council and
25 they sent O.P.D. Officer Brown who attempted to bribe him resulting in the plaintiff hanging
26 up on him and reporting him to his superiors who again did nothing; and that's just 15% of
27 the documented claims in his original complaint.

28

29 LAUREL BEELER United States Magistrate

30 6.

1 “The court has reviewed Magistrate Judge Beeler’s Report and Recommendation Re: ECF 1,
2 as well Plaintiff Allums’ objections to the report. The court finds the Report correct, well-
3 reasoned and thorough, and adopts it in every respect. Although the Court empathizes with
4 Plaintiff’s alleged injuries, **Plaintiff raised substantially similar claims in a prior case**
5 **which was dismissed without prejudice for failure to prosecute.”**

6 The Plaintiff Failed to prosecute because heart was failing and eventually cardiac
7 arrested four times in 24 hours.

8 Even more important,

9 The court cannot take a prior case that was dismissed without prejudice
10 into their consideration.

11 TRINA L. THOMPSON United States District Judge

12
13
14
15
16 **PLAINTIFFS CASE:**

17 The District Court’s decision effectively silenced a legitimate grievance involving systemic
18 racial injustice, shielding the City of Oakland from accountability for its actions—or inactions—
19 in response to a devastating and violent hate crime/attempted murder.

20 The District Court dismissed the complaint, labeling it as failing “even the lowest bar” for
21 pleading without adequately considering Plaintiff’s right to amend. This dismissal is particularly
22 troubling given the following:

23
24 **1. Denial of Opportunity to Amend:**

25 Mr. Allums was not afforded the opportunity to amend his initial complaint, a procedural
26 safeguard that courts routinely provide to pro se litigants.

27 Under Rule 15(a) of the Federal Rules of Civil Procedure, courts must “freely give leave
28 to amend when justice so requires.” As a pro se litigant, Plaintiff was entitled to an
29 opportunity to amend his complaint, particularly where, as here, the initial complaint
30 raises serious civil rights allegations and the plaintiff paid the filing fee, which indicates
31 the intent to comply with procedural requirements. In *Foman v. Davis*, 371 U.S. 178, 182

1 (1962), the Supreme Court noted that "outright refusal to grant the leave without any
2 justifying reason" is an abuse of discretion

3 **A. Strong Presumption in Favor of Allowing Amendments**

4 Federal courts are guided by Rule 15(a) of the Federal Rules of Civil Procedure, which instructs
5 that "leave to amend shall be freely given when justice so requires." This establishes a strong
6 presumption in favor of allowing amendments, particularly in cases where the initial pleading is
7 imperfect but potentially salvageable.

- 8 • **Foman v. Davis, 371 U.S. 178, 182 (1962):** The Supreme Court held that leave to amend
9 should be "freely given" unless there is a clear reason to deny it, such as undue delay, bad
10 faith, repeated failure to cure deficiencies, or undue prejudice to the opposing party. A
11 judge's perception of a complaint's potential lack of success is insufficient to deny an
12 amendment under this standard, as it could deny an individual their day in court based on
13 preliminary assessments rather than a thorough review of an amended claim.
- 14 • **Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000) (en banc):** In this Ninth Circuit
15 case, the court emphasized that a district court should grant leave to amend if it is at all
16 possible for the plaintiff to correct the complaint's deficiencies, especially in civil rights
17 cases brought by pro se litigants. This aligns with the Ninth Circuit's general principle
18 that claims should be decided on their merits rather than technicalities.

19 **B. Fair Treatment for Pro Se Litigants**

20 The courts have long recognized that pro se litigants should be given leniency in procedural
21 matters and allowed the opportunity to correct their complaints to align with legal standards.

- 22 • **Haines v. Kerner, 404 U.S. 519, 520-21 (1972):** The Supreme Court ruled that pro se
23 pleadings are to be held "to less stringent standards than formal pleadings drafted by
24 lawyers." Given this, pro se plaintiffs must be afforded opportunities to amend their
25 complaints when they do not meet formal standards initially.
- 26 • **Eldridge v. Block, 832 F.2d 1132, 1135-36 (9th Cir. 1987):** This Ninth Circuit case
27 underscores that pro se litigants must be given reasonable guidance to correct deficiencies
28 in their pleadings. Refusing leave to amend because a complaint appears weak
29 undermines this principle, denying the pro se litigant a fair chance to clarify their claims.

30 **C. Amendment Should Be Permitted When Civil Rights Are at Stake**

31 Civil rights cases warrant particular judicial care, as these cases often involve complex issues
32 and fundamental constitutional protections. Dismissing a civil rights complaint with prejudice
33 without the opportunity to amend could result in severe injustice.

- 34 • **Gomez v. Toledo, 446 U.S. 635 (1980):** This case supports the notion that allegations of
35 constitutional violations by government officials must be given a fair hearing.
36 Preemptively denying an amendment on the assumption of futility risks closing the door

1 on valid claims without adequate examination, which is contrary to the goals of civil
2 rights statutes.

- 3 • **Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002):** The Court in Swierkiewicz
4 held that detailed facts are not required to meet the pleading standard for complaints; they
5 merely need to give fair notice of the claim. This implies that complaints alleging abuse
6 or civil rights violations should not be dismissed prematurely without the opportunity for
7 plaintiffs to clarify their claims through amendment.

8 **D. Presumption Against Dismissal with Prejudice in the Ninth Circuit**

9 The Ninth Circuit maintains a presumption that dismissals should be without prejudice unless
10 amendment is **evidently futile**. Since pro se complaints often lack the clarity required in legal
11 settings, courts generally should provide the chance to amend before dismissing them with
12 prejudice.

- 13 • **Noll v. Carlson, 809 F.2d 1446, 1448 (9th Cir. 1987):** The Ninth Circuit in Noll ruled
14 that dismissal with prejudice is inappropriate unless the court is certain that amendment
15 would be futile. This case strengthens the argument that dismissing a pro se litigant's
16 complaint without the chance to amend is improper, as many deficiencies can often be
17 remedied through revisions.

18 **E. Judicial Efficiency Should Not Override Access to Justice**

19 Courts are meant to resolve disputes on their merits, especially in civil rights cases, where the
20 public interest strongly favors resolution. Allowing the plaintiff an opportunity to clarify their
21 complaint supports this principle, while denying amendment based on speculative futility
22 undermines the purpose of civil rights protections.

- 23 • **McHenry v. Renne, 84 F.3d 1172, 1178-79 (9th Cir. 1996):** While the Ninth Circuit in
24 McHenry acknowledged the importance of clarity in pleadings, it also noted that
25 complaints should not be dismissed if they can potentially be clarified or revised to meet
26 court standards. Courts should encourage amendments that may help legitimate civil
27 rights claims proceed in a more structured manner.

28 29 30 **2. Judge Ignored Plaintiff Paying \$400. Filing Fee.**

31 Plaintiff paid the required \$400 filing fee eight days prior to the dismissal decision, which should
32 have entitled him to proceed with serving the defendants.

33 This brief argues that the \$400 filing fee for a civil case in federal court may be paid at any time
34 before a decision is rendered, even if the plaintiff has been granted in forma pauperis (IFP)

1 status. The permissibility of such payment aligns with statutory law, procedural rules, and
2 relevant case law.

3 Legal Argument

4 Statutory Framework:

- 5 ○ Pursuant to 28 U.S.C. § 1914, filing fees are required for civil cases in federal
6 courts. The statute does not impose a rigid deadline for when payment must be
7 made, other than it being required for the case to proceed to decision. Courts
8 routinely accept late payment of fees to allow meritorious cases to continue.
- 9 ○ 28 U.S.C. § 1915, which governs IFP applications, permits plaintiffs to proceed
10 without prepayment of fees due to indigency. If the financial circumstances of the
11 plaintiff improve, the statute does not preclude subsequent payment of the fee.

12 Court Discretion on Fee Deadlines:

- 13 ○ Federal courts have broad discretion in managing filing fee payments, as
14 evidenced by *Coleman v. Tollefson*, 575 U.S. 532 (2015). In *Coleman*, the
15 Supreme Court reaffirmed that while the IFP status grants relief from prepayment,
16 courts retain authority over procedural aspects, including the acceptance of late
17 filing fees.

18 Relevant Case Law Supporting Late Filing Fee Payments:

- 19 ○ *Ayres v. E.W. Constructors, Inc.*, 761 F.2d 1111 (5th Cir. 1985): The court
20 accepted a late filing fee payment after the initial IFP status was granted, holding
21 that procedural rules are designed to ensure access to justice, not to create
22 insurmountable barriers.
- 23 ○ *Denton v. Hernandez*, 504 U.S. 25 (1992): The Supreme Court emphasized that
24 IFP statutes aim to balance court access with the prevention of frivolous lawsuits.
25 Allowing late payment aligns with this principle when the case presents a
26 legitimate claim.

27 Equitable Considerations:

- 28 ○ Courts prioritize substantive justice over rigid procedural adherence. Denying a
29 litigant the opportunity to pay the filing fee after initially proceeding as an IFP
30 applicant may result in undue prejudice, particularly if financial circumstances
31 improve or external assistance is secured.
- 32 ○ As in *Haines v. Kerner*, 404 U.S. 519 (1972), pro se litigants are entitled to
33 leniency in procedural matters. Payment of the fee before a decision avoids
34 unnecessary dismissal and aligns with the principles of fairness and access to the
35 courts.

36 Substantial Compliance with Procedural Requirements

1 Federal courts recognize substantial compliance in procedural matters, especially when the
2 requirements are ultimately fulfilled before a final decision is made. Here, the plaintiff's
3 payment was made in good faith eight days before the dismissal, fulfilling the filing fee
4 requirement and demonstrating a clear intent to comply with court protocols.

- 5 • **Torres v. Oakland Scavenger Co., 487 U.S. 312, 316 (1988):** The Supreme Court
6 acknowledged that substantial compliance can sometimes satisfy procedural requirements
7 when it upholds the purpose of the rule and does not prejudice any party. Given that the
8 fee was paid well in advance of the final decision, the court should view this as sufficient
9 compliance.
- 10 • **Harris v. Mangum, 863 F.3d 1133, 1141 (9th Cir. 2017):** The Ninth Circuit has
11 consistently applied leniency to procedural errors, especially where plaintiffs demonstrate
12 a good-faith effort to meet procedural rules. Here, the payment was made before the final
13 decision, evidencing substantial compliance and a reasonable effort to follow court
14 requirements.

15 **Avoiding Dismissal Based on Minor Procedural Technicalities**

16 Federal courts generally favor resolving cases on their merits rather than dismissing them for
17 minor procedural issues, particularly where corrective actions have been taken prior to a court
18 ruling.

- 19 • **Foman v. Davis, 371 U.S. 178, 182 (1962):** In Foman, the Supreme Court advised
20 against dismissals based on minor procedural errors that do not prejudice the opposing
21 party and can be reasonably corrected. Here, since the fee was paid before dismissal,
22 dismissing the case based solely on an untimely payment contradicts this principle.
- 23 • **Allen v. Calderon, 408 F.3d 1150, 1152 (9th Cir. 2005):** The Ninth Circuit emphasized
24 in this case that pro se litigants should be granted leniency in procedural matters where
25 possible, especially if they show good faith and correct errors before final court action.
26 The payment made eight days before dismissal demonstrates such good faith and should
27 be recognized.

28 **Lack of Prejudice to the Defendants**

29 The delay in payment caused no prejudice to the defendants and did not disrupt the court's
30 ability to proceed. As such, the minor delay in filing fee payment should not justify dismissal.

- 31 • **Schroeder v. McDonald, 55 F.3d 454 (9th Cir. 1995):** The Ninth Circuit has upheld
32 that substantial compliance combined with a lack of prejudice to the opposing party
33 justifies leniency in procedural issues. Here, the eight-day delay in payment did not
34 impede the defendants or affect the case's progress, and thus should not result in
35 dismissal.

36 Because the filing fee was paid before the final decision was issued, it met the court's
37 requirement, even if not initially timely. This ensures procedural compliance and fairness.

- 1 • **Bowles v. Russell, 551 U.S. 205, 212 (2007):** Although Bowles addressed strict
2 deadlines, it also reinforced the need for practical application of procedural rules. Given
3 that payment was made before the dismissal, this case supports the notion that rigid
4 adherence to payment timing should not override fairness and substantial compliance.

5 **Conclusion**

6 The Ninth Circuit should uphold the pro se litigant's right to amend their complaint, even if the
7 district court initially deems the claims unlikely to succeed. Courts have established a strong
8 preference for addressing cases on their merits, especially when they involve allegations of civil
9 rights violations. Procedural fairness, access to justice, and judicial flexibility justify the need to
10 grant pro se litigants, particularly in civil rights cases, the opportunity to amend their complaints.
11 The plaintiff was so assured of victory in his original complaint that he asked for a summary
12 verdict as the police report still remains false. To his surprise the judge not only disagreed but
13 refused to allow him his right to amend his complaint as it in her opinion was so flawed. This is
14 ridiculous. Again, the police report remains a lie to this day. The complainant wished to fix that.

15 The court should treat the late payment of the \$400 filing fee as if it had been made at the time of
16 filing. The plaintiff's substantial compliance, demonstrated by payment eight days prior to
17 dismissal, and the absence of prejudice to any party satisfy the procedural requirement.
18 Recognizing this payment aligns with federal courts' preference to decide cases based on their
19 merits rather than minor procedural issues, and denying this payment effectively denies access to
20 justice without a substantive reason.

21 22 23 **3. Failure to Address All Claims:**

24 Federal judges are required to address all claims in a lawsuit to ensure compliance with the
25 fundamental principles of due process and the fair administration of justice. Under **Rule**
26 **52(a)** of the Federal Rules of Civil Procedure, courts are obligated to provide findings of fact
27 and conclusions of law on **each material issue** presented in a case. This requirement
28 ensures transparency, accountability, and provides a complete record for appellate review.
29 Ignoring or failing to address any claim risks depriving litigants of their right to a fair hearing
30 and undermines public confidence in the judicial system. It also ensures that all claims are
31 resolved efficiently, avoiding unnecessary delays and preserving judicial resources. Instead
32 the judge give a vague and unprecise ruling.

33 The Federal Rules of Civil Procedure require courts to address each claim within a
34 complaint. Rule 12(b)(6) enables dismissal only for a "failure to state a claim upon
35 which relief can be granted," while Rule 8(a)(2) mandates that complaints include "a
36 short and plain statement of the claim showing that the pleader is entitled to relief."
37 The intent of these rules is to ensure every claim is subject to judicial scrutiny before

1 dismissal. Selective dismissal violates the spirit of these rules, as it effectively
2 denies the plaintiff the opportunity to present a comprehensive case.

3 Precedents such as *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), and *Bell Atlantic Corp. v.*
4 *Twombly*, 550 U.S. 544 (2007), establish that each claim must meet plausibility standards
5 independently. If courts are allowed to dismiss a case by addressing only select claims, it
6 could lead to unbalanced judicial outcomes where substantive claims are left unaddressed
7 without reason.

8 The U.S. Constitution guarantees the right to due process under the Fifth and Fourteenth
9 Amendments, which obligates the courts to ensure fair treatment. Courts cannot fulfill
10 this duty if they dismiss a case based on only selected claims while ignoring others. By
11 failing to address all claims, a court effectively deprives the plaintiff of the right to a fair
12 hearing on each substantive issue. The plaintiff is thus prevented from receiving a full
13 and fair adjudication, contravening fundamental principles of justice and fairness.

14 In *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002), the Supreme Court emphasized
15 that a complaint should be assessed in its entirety to determine if it contains enough
16 information to proceed. This standard requires that each claim within a complaint be
17 evaluated for sufficiency, without selective consideration. Courts have also held in cases
18 such as *Conley v. Gibson*, 355 U.S. 41 (1957), that dismissal is only appropriate when
19 there is “no set of facts” supporting the claims. Arbitrary dismissal without addressing
20 each claim defeats the purpose of a fair trial, creating grounds for appeal.

21 In *Bell v. Hood*, 327 U.S. 678, 682 (1946), the Supreme Court noted that “jurisdiction is not
22 defeated...by the possibility that the averments might fail to state a cause of action on which
23 petitioners could actually recover.” Instead, courts are obligated to assess the present complaint
24 based on its own factual and legal sufficiency. By dismissing a complaint solely on the basis of a
25 previous, unrelated filing, the court risks failing to consider valid claims that were either
26 inadequately pled or absent in the initial complaint.

27 Additionally, courts have clarified that amended or new claims should receive fresh analysis if
28 they present different factual or legal grounds than previously dismissed actions. In *Cline v.*
29 *Kaplan*, 323 U.S. 97, 98 (1944), the Court underscored that the judiciary’s primary obligation is
30 to render judgments based on the particular claims and merits of the case at hand. Thus, the
31 judge should use their discretion to consider the facts and claims of the current, largely unique
32 complaint rather than relying on inferences drawn from prior, unrelated complaints.

33
34 The integrity of judicial proceedings depends on the duty of courts to address every claim
35 presented in a complaint. A dismissal that only considers certain “inferior” claims fails to
36 uphold judicial standards and deprives plaintiffs of due process. The court should be
37 directed to evaluate all claims and, if warranted, provide specific findings for each claim
38 before issuing a dismissal.

1 A federal judge is required to address all claims presented by the plaintiff, not merely the
2 main claim, to ensure comprehensive adjudication of the case and adherence to due
3 process. Failure to address each claim may constitute reversible error, particularly if the
4 omitted claims could affect the outcome of the litigation. The U.S. Supreme Court has
5 long held that judges must “give reasons for their decisions to permit effective appellate
6 review,” which extends to addressing each claim presented (*Goldberg v. Kelly*, 397 U.S.
7 254, 271 (1970)).

8 Furthermore, under Federal Rule of Civil Procedure 8(a), a complaint must contain “a
9 short and plain statement of the claim showing that the pleader is entitled to relief.”
10 While brevity and clarity are essential, courts should liberally construe pro se pleadings,
11 as mandated by *Haines v. Kerner*, 404 U.S. 519, 520 (1972), which requires that pro se
12 complaints be held to “less stringent standards” than formal pleadings drafted by lawyers.
13 A judge must also apply a fair reading to all claims under the complaint, ensuring that
14 claims are not dismissed solely for lack of clarity but are assessed on their substantive
15 merit (*Erickson v. Pardus*, 551 U.S. 89, 94 (2007)).

16 A blanket dismissal without specific consideration of all claims undermines the plaintiff’s
17 right to due process and effective access to the courts. In *Swierkiewicz v. Sorema N.A.*,
18 534 U.S. 506 (2002), the Court emphasized that procedural technicalities should not be
19 grounds for dismissal where there is a viable claim, suggesting that only in cases of
20 incomprehensible pleadings should dismissal without substantive analysis be considered.

21 Thus, the judge is required to identify why each claim allegedly lacks clarity or merit,
22 allowing for appellate review and due process, rather than issuing a general statement that
23 the complaint was “not short, clear, and precise.” This approach ensures fair treatment of
24 all claims and accountability to judicial standards. In essence the judges’ decision is
25 short, unclear and unprecise.

26 27 28 **4. Sufficiency of Allegations:**

29 What is the standard?

30 To establish why each of these alleged violations constitutes a federal civil rights claim and has
31 standing in federal court, the plaintiff must demonstrate that the actions taken by the police
32 department and individual officers violated federally protected rights under the U.S.
33 Constitution, particularly the Equal Protection Clause, Due Process Clause, and First
34 Amendment rights. Here’s an analysis of each alleged violation:

35 The allegations in the complaint, while perhaps lacking technical precision, clearly presented
36 substantive claims that met the minimum standards for pleading under Rule 8(a) of the Federal
37 Rules of Civil Procedure.

1 Federal Rule of Civil Procedure 8(a) requires only a “short and plain statement of the
2 claim showing that the pleader is entitled to relief.” Courts have long held that pro se
3 complaints should be construed liberally (see *Erickson v. Pardus*, 551 U.S. 89, 94
4 (2007)). Plaintiff’s complaint, although not technically precise, sets forth specific, factual
5 allegations that establish plausible claims for relief based on documented police
6 misconduct, denial of victim support, and racial discrimination.

7 **A. Omission of the Plaintiff as the Main Victim in a Hate Crime**

- 8 • **Violation:** Purposely omitting the main victim from a police report, particularly in a hate
9 crime, denies the plaintiff equal protection under the Fourteenth Amendment, which
10 guarantees all individuals protection against discriminatory treatment by state actors.
- 11 • **Legal Support:** *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), established that
12 discriminatory enforcement by state actors violates the Equal Protection Clause. Failing
13 to document the plaintiff’s role as the main victim suggests racial discrimination,
14 providing grounds for federal court intervention.

15 **B. Omission of Hate Crime Classification in the Report**

- 16 • **Violation:** Failure to document the incident as a hate crime denies the plaintiff protection
17 against racial discrimination and the ability to seek legal recourse based on an accurate
18 classification of the crime.
- 19 • **Legal Support:** *Village of Arlington Heights v. Metropolitan Housing Development*
20 *Corp.*, 429 U.S. 252 (1977) allows plaintiffs to challenge government actions that have a
21 racially discriminatory impact. A federal court can determine whether this omission
22 reflects a discriminatory practice.

23 **C. Ignoring Victims of Crimes**

- 24 • **Violation:** Systematic neglect of crime victims, especially based on race, denies equal
25 protection and may represent a failure in due process if it deprives victims of the ability
26 to seek redress.
- 27 • **Legal Support:** *DeShaney v. Winnebago County Department of Social Services*, 489
28 U.S. 189 (1989), acknowledges the duty of state actors to protect individuals they assume
29 responsibility for. Ignoring victims selectively based on race supports a claim for redress
30 in federal court.

31 **D. Refusal of Medical Attention to Crime Victims**

- 32 • **Violation:** Denying medical assistance to a crime victim, particularly when based on
33 race, violates equal protection and due process by subjecting them to additional harm and
34 discrimination.
- 35 • **Legal Support:** *Estelle v. Gamble*, 429 U.S. 97 (1976), held that denial of medical care
36 can violate constitutional protections against cruel and unusual punishment when based
37 on “deliberate indifference.” Here, denial of medical care on racial grounds could
38 constitute deliberate indifference.

1 **E. Continued Inaccuracies and Failure to Correct False Report (Ongoing Harm)**

- 2 • **Violation:** The failure to correct an inaccurate report perpetuates harm by denying the
3 plaintiff the ability to seek accurate legal recourse, constituting ongoing discrimination
4 and procedural unfairness.
5 • **Legal Support:** *Paul v. Davis*, 424 U.S. 693 (1976), recognized the stigma associated
6 with false government records as a due process issue. The ongoing harm from inaccurate
7 reporting supports a federal claim for judicial intervention.

8 **F. Repeated Failure to Respond to Library Workers' Calls, Forcing Plaintiff to**
9 **Intervene**

- 10 • **Violation:** If police habitually ignore specific calls for assistance, it could reflect unequal
11 protection under the law, particularly if the plaintiff's intervention led to injury.
12 • **Legal Support:** *Monell v. Department of Social Services*, 436 U.S. 658 (1978), allows
13 municipalities to be held liable under § 1983 if unconstitutional policies or customs lead
14 to harm. A pattern of neglecting certain calls could establish a custom of discriminatory
15 enforcement, making federal intervention appropriate.

16 **G. Repeatedly Ignoring the Victim of a Racist Hate Crime**

- 17 • **Violation:** Neglecting the plaintiff based on race suggests a failure to provide equal
18 protection, and poor training exacerbates the risk of unconstitutional actions.
19 • **Legal Support:** In *City of Canton v. Harris*, 489 U.S. 378 (1989), the Supreme Court
20 ruled that municipalities are liable under § 1983 for failing to train officers when this
21 omission leads to rights violations. Here, lack of training resulting in discriminatory
22 conduct justifies a claim for redress.

23 **H. Attempted Bribe by Officer to Drop Complaint Against Another Officer**

24 OPD Officer Brown was assigned to investigate the plaintiff's complaint against
25 officer Collin Cameron, instead of assisting him with the complaint, he attempted to
26 negotiate a swap; that in order for me to get the video tape of the event, I would need
27 to drop my complaint against Officer Collin Cameron even though they are unrelated.
28 I told him that was an attempted bribe and hung up.

29 Plaintiff's claim against the Oakland Police Department (OPD) for attempting to bribe
30 the victim of a crime to protect fellow officers raises significant constitutional and
31 statutory issues that provide standing in federal court. This claim implicates violations
32 of due process and equal protection rights under the Fourteenth Amendment, as well
33 as actionable violations under 42 U.S.C. § 1983, which permits federal claims for
34 constitutional deprivations committed under color of state law.

1 **Standing Based on Constitutional Violations**

2 The attempted bribery of a crime victim by law enforcement to shield fellow officers
3 from accountability violates the victim's constitutional rights, including the
4 **Fourteenth Amendment's Due Process Clause and Equal Protection Clause:**

- 5 • **Due Process Clause:** Government officials cannot act in ways that are
6 arbitrary, capricious, or aimed at depriving individuals of fair treatment under
7 the law. Attempting to bribe a victim to suppress truthful reporting undermines
8 the integrity of the justice system and denies the victim their right to participate
9 in an honest investigatory and prosecutorial process.
- 10 • **Equal Protection Clause:** If such conduct disproportionately affects certain
11 individuals, particularly members of a protected class, it constitutes
12 discriminatory enforcement of the law, violating equal protection rights.

13 **Case Law Support:**

- 14 • **Giglio v. United States, 405 U.S. 150 (1972):** The Court emphasized the
15 requirement of government actors to ensure truthfulness in the justice process,
16 holding that suppression or manipulation of truthful evidence by government
17 agents undermines due process.
- 18 • **Napue v. Illinois, 360 U.S. 264 (1959):** The knowing use of false or
19 manipulated evidence by state actors violates due process, which extends to
20 attempts to distort the truth, such as through bribery.

21

22 **Violation of 42 U.S.C. § 1983**

23 Attempting to bribe a crime victim constitutes a violation under **42 U.S.C. § 1983**, as
24 it involves state actors abusing their authority under color of law to violate
25 constitutional protections:

- 26 • **Actionable Conduct Under Color of Law:** Law enforcement officers
27 attempting to suppress evidence or coerce a victim to alter their testimony
28 through bribery are acting in their official capacity. Such conduct constitutes a
29 misuse of authority and a direct violation of § 1983.
- 30 • **Denial of Access to Justice:** Federal courts have long recognized that
31 interference with an individual's ability to seek justice through intimidation,
32 bribery, or manipulation violates fundamental rights.

33 **Case Law Support:**

- 1 • **Rehberg v. Paulk, 566 U.S. 356 (2012):** The Court reaffirmed that misconduct
2 by law enforcement officials under color of law is actionable under § 1983
3 when it violates constitutional rights.
- 4 • **Devereaux v. Abbey, 263 F.3d 1070 (9th Cir. 2001) (en banc):** The Ninth
5 Circuit held that the deliberate fabrication or suppression of evidence by
6 government officials violates the Due Process Clause and is actionable under §
7 1983.
- 8 • **Brady v. Maryland, 373 U.S. 83 (1963):** While focused on suppression of
9 exculpatory evidence, this case underscores the broader principle that
10 government manipulation of evidence—including victim coercion—violates
11 constitutional guarantees.

12

13 **Public Policy Considerations: Importance of Accountability**

14 Federal courts have a compelling interest in addressing claims of bribery by law
15 enforcement to protect the integrity of the justice system. Allowing such claims to
16 proceed promotes accountability and deters future misconduct by police departments.

- 17 • **Institutional Integrity:** The judiciary must ensure that state actors do not
18 engage in conduct that undermines the public's trust in law enforcement and
19 the judicial system.
- 20 • **Deterrence of Corruption:** Holding law enforcement accountable for
21 misconduct, including bribery, is essential to prevent abuse of power and
22 ensure compliance with constitutional obligations.

23 **Case Law Support:**

- 24 • **Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978):** Municipalities can be
25 held liable for policies or practices, including those of police departments, that
26 result in constitutional violations. Attempting to bribe a victim to suppress truth
27 falls squarely within this framework.
- 28 • **Owen v. City of Independence, 445 U.S. 622 (1980):** The Court emphasized
29 the importance of holding municipalities accountable for the actions of their
30 employees when those actions violate constitutional rights.

31

32 **Federal Jurisdiction and Plaintiff's Standing**

1 The Plaintiff has standing in federal court because the alleged bribery by OPD officers
2 represents an injury-in-fact directly caused by state actors, which is redressable
3 through federal remedies. Federal jurisdiction is appropriate because:

- 4 1. **Concrete Injury:** The attempted bribery constitutes a tangible harm to the
5 Plaintiff's ability to seek justice and exercise their constitutional rights.
- 6 2. **Causation:** The harm is directly attributable to the actions of OPD officers.
- 7 3. **Redressability:** The relief sought—accountability for OPD officers and
8 systemic reform—falls within the scope of remedies available under § 1983.

9

10 The attempted bribery of a crime victim by law enforcement to protect fellow officers
11 violates constitutional rights under the Due Process and Equal Protection Clauses and
12 is actionable under 42 U.S.C. § 1983. Federal courts must address such claims to
13 ensure accountability and maintain the integrity of the justice system. Precedents like
14 *Monell*, *Devereaux*, and *Napue* provide strong support for Plaintiff's standing and the
15 need for judicial oversight in cases of law enforcement misconduct. The Plaintiff's
16 claim is firmly rooted in constitutional protections and federal statutory remedies,
17 warranting review and adjudication by the Ninth Circuit.

20 5. Judicial Independence in Evaluating Original Complaints:

21 In the matter of a new complaint, which bears substantial distinctions from a previously
22 dismissed suit, the doctrine of res judicata (claim preclusion) does not apply. When a prior
23 lawsuit is dismissed *without prejudice*, it is as though the suit was never brought, allowing the
24 plaintiff to bring a new, original action with distinct claims. As this brief demonstrates, judicial
25 consideration of an original complaint requires a fresh evaluation on its own merits, without
26 reliance on any earlier, dismissed filings. Yet, the judge includes this in his argument against the
27 plaintiff. Another error.

28 In the matter of a new complaint, which bears substantial distinctions from a previously
29 dismissed suit, the doctrine of res judicata (claim preclusion) does not apply. When a prior
30 lawsuit is dismissed *without prejudice*, it is as though the suit was never brought, allowing
31 the plaintiff to bring a new, original action with distinct claims.

32 Federal Rule of Civil Procedure 8(a) mandates that each complaint should stand on its own
33 as a "short and plain statement" of the claim. This rule is designed to prevent courts from
34 conflating distinct actions and to ensure that each case receives a fresh, impartial assessment.
35 In *United States v. L.A. Tucker Truck Lines, Inc.*, 344 U.S. 33, 38 (1952), the Supreme Court

1 emphasized that procedural irregularities or prior rulings in related matters should not detract
2 from a judge's responsibility to impartially review and judge each filing individually.
3 Therefore, judges are discouraged from dismissing a new complaint based on unrelated, prior
4 dismissals without first considering the new complaint's own merits and factual sufficiency.

5 A prior dismissal without prejudice does not constitute a judgment on the merits and thus
6 should not influence the court's evaluation of a new, substantially unique complaint. This
7 current complaint, which is approximately 80% distinct, should be assessed independently on
8 its own facts and legal theories, in line with *Costello* and *Bell*. Plaintiff respectfully requests
9 that the court judge the present complaint solely on its own content, thereby fulfilling the
10 judiciary's duty to impartially consider each case.

11 **Legal Argument: Effect of Dismissal Without Prejudice**

12 When a lawsuit is dismissed without prejudice, it is treated as though the action was never
13 brought. This principle is well-established in federal jurisprudence and arises from the
14 fundamental nature of such dismissals. A dismissal without prejudice does not operate as an
15 adjudication on the merits and leaves the plaintiff free to refile the case.

16 **Statutory Basis**

17 Under **Rule 41(a)(1)(B)** of the Federal Rules of Civil Procedure, unless otherwise stated, a
18 dismissal without prejudice means that the plaintiff is not barred from refileing the case. This
19 ensures that procedural dismissals or voluntary withdrawals do not result in the forfeiture of
20 substantive claims.

21 **Case Law Support**

22 1. **Semtek Int'l Inc. v. Lockheed Martin Corp., 531 U.S. 497 (2001):**

23 The Supreme Court clarified that a dismissal without prejudice does not have claim-
24 preclusive effect. It emphasized that the procedural nature of such a dismissal does not
25 equate to a determination of the underlying merits of the case.

26 2. **Costello v. United States, 365 U.S. 265 (1961):**

27 The Court held that a dismissal without prejudice "leaves the situation the same as if the
28 suit had never been brought." This ruling ensures that a plaintiff retains the right to bring
29 the same claims again in a proper procedural posture.

30 3. **Cooter & Gell v. Hartmarx Corp., 496 U.S. 384 (1990):**

31 The Court distinguished between dismissals with and without prejudice, affirming that a
32 dismissal without prejudice does not terminate the plaintiff's right to refile the claims, as
33 no adjudication on the merits has occurred.

34 **Policy Justifications**

35 **Preservation of Rights:**

36 Dismissals without prejudice protect litigants from procedural missteps or technical
37 errors, allowing them to pursue their claims without substantive loss.

1 **Judicial Efficiency:**

2 By allowing plaintiffs to correct deficiencies and refile, courts promote the resolution of
3 cases on their merits rather than on procedural grounds, ensuring fairness in the judicial
4 process.

5 A dismissal without prejudice leaves the plaintiff in the same position as if the lawsuit had
6 never been initiated, preserving their right to refile the claims. The rule reflects a
7 commitment to procedural fairness, ensuring that technical errors or procedural defects do
8 not preclude a litigant from seeking justice. Cases like *Semtek* and *Costello* underscore that
9 no claim-preclusive effect arises from such dismissals, affirming the plaintiff's ability to
10 pursue their claims anew.

11
12
13
14 **6. False Police Reporting by Government Entities**

15 Filing a false police report by a government entity, such as the Oakland Police Department, is not
16 a trivial matter. Courts have long recognized that deliberate misinformation by law enforcement
17 can constitute a violation of civil rights under 42 U.S.C. § 1983. In *Franks v. Delaware*, 438 U.S.
18 154 (1978), the Supreme Court held that knowingly falsifying information in police reports and
19 affidavits undermines due process and violates an individual's Fourth Amendment rights.
20 Similarly, in *Ricciuti v. N.Y.C. Transit Authority*, 124 F.3d 123 (2d Cir. 1997), the Second
21 Circuit ruled that falsifying police reports with intent to misrepresent facts is a serious
22 constitutional violation warranting court intervention.

23 Here, the falsification directly impacted Plaintiff's civil rights by attempting to downplay or omit
24 critical details related to a hate crime/attempted murder that to date has not been reported as
25 such. This action misled officials and deprived Plaintiff of a fair, accurate investigation and the
26 protections owed under the law. Dismissing such allegations fails to recognize established case
27 law acknowledging the role of federal courts in reviewing constitutional claims related to police
28 misconduct.

29 Federal courts have a constitutional and statutory obligation to address allegations of false police
30 reporting by government entities, as such actions directly implicate fundamental rights protected
31 under the Constitution, including the right to due process and equal protection. False police
32 reporting undermines public trust in law enforcement and, when committed by government
33 entities, constitutes a violation of civil rights that federal courts are uniquely positioned to
34 remedy.

35
36 **Constitutional Basis**

1 False police reporting by government officials or entities implicates the **Fourteenth**
2 **Amendment**, which guarantees due process and equal protection under the law:

- 3 • **Due Process Clause:** Fabrication of evidence or false police reporting that leads to harm,
4 such as wrongful prosecution or reputational damage, violates an individual's right to a
5 fair process.
- 6 • **Equal Protection Clause:** When false reporting targets individuals based on race,
7 ethnicity, or other protected characteristics, it constitutes discriminatory enforcement of
8 the law, which courts are obligated to address.

9 **Case Law Support:**

- 10 • **Napue v. Illinois, 360 U.S. 264 (1959):** The Supreme Court held that the knowing use of
11 false evidence or statements violates due process. By extension, false police reports,
12 which form the basis of legal proceedings, similarly compromise the integrity of the
13 justice system and infringe upon due process rights.
- 14 • **Mooney v. Holohan, 294 U.S. 103 (1935):** The Court found that the intentional use of
15 false evidence by a government entity violates the due process rights of the accused,
16 emphasizing the judiciary's duty to ensure truthful reporting by state actors.

17
18 **Statutory Authority Under 42 U.S.C. § 1983**

19 False police reporting by government entities constitutes a violation of civil rights under **42**
20 **U.S.C. § 1983**, which provides a federal remedy for the deprivation of constitutional rights by
21 state actors.

- 22 • A claim under § 1983 arises when government officials knowingly create or support false
23 police reports that result in harm, such as unjust arrest, prosecution, or deprivation of
24 civil rights.

25 **Case Law Support:**

- 26 • **Ricciuti v. N.Y.C. Transit Auth., 124 F.3d 123 (2d Cir. 1997):** The Second Circuit held
27 that the fabrication of evidence and false police reporting by officers violates the
28 plaintiff's constitutional rights and is actionable under § 1983.
- 29 • **Devereaux v. Abbey, 263 F.3d 1070 (9th Cir. 2001) (en banc):** The Ninth Circuit
30 recognized that deliberate falsification of evidence by government actors violates due
31 process, holding that victims of such conduct have standing to bring claims under § 1983.

32
33 **Federal Courts' Role in Redressing Government Misconduct**

1 Federal courts have a critical role in upholding the rule of law by ensuring accountability for
2 government misconduct, including false police reporting. Judicial intervention is particularly
3 necessary when state actors abuse their power to falsify reports, as this behavior erodes public
4 confidence in the justice system.

5 **Case Law Support:**

- 6 • **Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978):** The Supreme Court held that
7 municipalities and local government entities can be held liable under § 1983 when their
8 policies or practices result in constitutional violations, such as systemic falsification of
9 police reports.
- 10 • **Giglio v. United States, 405 U.S. 150 (1972):** The Court emphasized the obligation of
11 courts to ensure the integrity of evidence used by government entities, reinforcing the
12 judiciary's role in addressing and remedying false reporting.

13
14 **Public Policy Considerations**

15 False police reporting by government entities undermines the foundation of the justice system
16 and harms victims, particularly when it is motivated by racial bias or discriminatory intent.
17 Federal courts must address these allegations to:

- 18 1. Protect individuals from the abuse of power by state actors.
- 19 2. Uphold the integrity of the justice system.
- 20 3. Serve as a check against government overreach and misconduct.

21
22 False police reporting by government entities constitutes a serious violation of constitutional
23 rights, including due process and equal protection. Federal courts are obligated to address such
24 allegations under the Fourteenth Amendment and 42 U.S.C. § 1983, as supported by binding
25 precedent in cases like *Ricciuti*, *Devereaux*, and *Monell*. Judicial intervention ensures
26 accountability, prevents abuse of power, and safeguards the rule of law, making it essential for
27 courts to fully adjudicate claims involving false police reporting.

28
29
30 **7. Dismissal Violates the Equal Protection Clause and Impedes Access to Justice**
31 **for African American Victims of Hate Crimes**

32 Plaintiff files this response to address the court's dismissal with prejudice of a case alleging the
33 City of Oakland and its Police Department failed to accurately identify and represent African
34 American individuals, including Plaintiff, as victims of hate crimes. The court's dismissal

1 disregards Plaintiff's constitutional rights and improperly denies federal standing to victims of
2 racial discrimination in matters of public safety and equal protection under the law.

3 The court's implication that African American hate crime victims have "no standing" in federal
4 court conflicts with the Equal Protection Clause of the Fourteenth Amendment. Under *Yick Wo v.*
5 *Hopkins*, 118 U.S. 356 (1886), the Supreme Court established that discriminatory actions by
6 public officials, whether in enforcement or reporting, violate equal protection. This principle
7 mandates that African American victims of hate crimes receive equal access to judicial remedies,
8 including federal courts.

9 Dismissing the case based on race or on the nature of the crime disregards this constitutional
10 requirement and denies Plaintiff's right to redress in federal court. In cases involving systemic
11 police misconduct against African American citizens, federal courts are required to examine
12 claims of disparate treatment thoroughly. The court's failure to do so denies Plaintiff equal
13 protection under the law and perpetuates a system of unequal accountability.

14 Under the Equal Protection Clause of the Fourteenth Amendment, public entities, including
15 police departments, must protect all individuals equally. The Supreme Court in *Yick Wo v.*
16 *Hopkins*, 118 U.S. 356 (1886), affirmed that discriminatory actions by public officials violate
17 equal protection rights. When a police department fails to document hate crimes against African
18 Americans accurately, it denies these individuals protection, thereby violating equal protection
19 and federal oversight intended to prevent such discrimination.

20 The court's implication that African American victims lack standing in federal court for such
21 claims is contrary to these principles. Federal courts have consistently affirmed the need for
22 governmental accountability in cases involving racial discrimination, especially where public
23 safety and accurate reporting are concerned.

24 The Civil Rights Act, 42 U.S.C. § 1983, grants individuals the right to bring claims against
25 government entities for constitutional violations. In *Monell v. Department of Social Services of*
26 *the City of New York*, 436 U.S. 658 (1978), the Supreme Court ruled that municipalities could be
27 held accountable under § 1983 for actions representing official policy or custom that result in
28 constitutional harm. The dismissal of this case ignores documented misrepresentation of hate
29 crime incidents, which, if proven, would reflect a policy of underreporting or ignoring crimes
30 against African American victims.

31 Police departments have a constitutional obligation to ensure fair and unbiased reporting,
32 especially concerning hate crimes, as outlined in *DeShaney v. Winnebago County Department of*
33 *Social Services*, 489 U.S. 189 (1989), which highlights the duty of public officials to protect
34 individuals from harm within their official capacity. The dismissal with prejudice therefore
35 disregards fundamental civil rights protections and federal statutes mandating equal treatment.

36 Federal courts have historically been a forum for redressing systemic discrimination, particularly
37 where it affects African American individuals. In cases such as *Brown v. Board of Education*,
38 347 U.S. 483 (1954), the Supreme Court emphasized that discrimination in government
39 functions — including public safety services — requires heightened scrutiny. The court's

1 decision to dismiss this case suggests that African American victims lack recourse to ensure that
2 government bodies do not perpetuate discriminatory practices, an implication that directly
3 conflicts with the constitutional commitment to equal protection and access to justice.

4 Further, the Ninth Circuit in *Gibson v. United States*, 781 F.2d 1334 (9th Cir. 1986), recognized
5 that federal courts must address claims where government actions harm minority groups
6 disproportionately, especially where law enforcement practices perpetuate discrimination.

7 Lastly other relevant cases:

- 8 • **Yick Wo v. Hopkins**, 118 U.S. 356 (1886): This Supreme Court decision affirmed that
9 discriminatory practices by state actors, even when applied under neutral regulations,
10 violate the Equal Protection Clause. Arbitrarily excluding the victim of a hate crime from
11 the report indicates racially biased enforcement of police duties.
- 12 • **Village of Arlington Heights v. Metropolitan Housing Development Corp.**, 429 U.S.
13 252, 265-66 (1977): This case emphasized that discriminatory intent by government
14 entities constitutes a violation of the Equal Protection Clause. Omitting a victim's
15 information from a report when the victim is African American and the crime is racially
16 motivated suggests an improper discriminatory intent that should be scrutinized by the
17 courts.

18 The plaintiff was the victim of a racially motivated hate crime and not only did the police
19 purposely not document this fact, but they also refused to document the main victim and the
20 reason they were called for, the plaintiff, as the victim of the racially motivated attempted
21 murder, even worse, they then refused to call him medical attention after repeatedly telling the
22 officers he was injured in the assault causing him to limp home. And when the lead investigative
23 officer, Collin Cameron was notified, he only laughed at him and refused to correct the false
24 police report denying the African American victims services that routinely whites and others
25 have received. When he reported all of this to the city council, they did nothing ut instructed
26 Officer Brown to contact me who then attempted to bribe the plaintiff to drop his investigation of
27 officer Cameron and the department. All of this done by a city and police department known for
28 denying the civil rights of its African American residents in this way for decades.

29 Their lack of actions caused two fractured feet never be treated, a herniate disk and injured back
30 that remains unhealed to this day. The reason they haven't been attended to is that he suffered
31 numerous and immediate emotional stress that cause four stroked, failed aorta valve and the
32 valve opposite it, kidney dialysis and four blood clots. All for a man who had not been to the
33 hospital in 35 years previously until immediately after the January 22, 2022, event.

34
35
36 **8. Police Conduct:**

1 **When police officers or other government agents fail to provide timely medical**
2 **attention** to African American victims of hate crimes, they deny equal protection under the law
3 and perpetuate discriminatory practices. This failure creates an additional barrier to justice and
4 healing, as it deprives victims of essential, often life-saving care, and implies that they are
5 unworthy of the same protections afforded to others. Such treatment perpetuates racial bias and
6 increases the harm experienced by victims of racially motivated violence.

7 **Legal Basis for the Violation**

- 8 1. **Equal Protection Clause (Fourteenth Amendment):** Denying medical assistance
9 selectively, based on the victim's race, constitutes discriminatory treatment and a
10 violation of equal protection. The Supreme Court in **Yick Wo v. Hopkins**, 118 U.S. 356
11 (1886), established that discriminatory application of services or protections violates the
12 Equal Protection Clause. Denying African American victims emergency care when they
13 need it constitutes unequal treatment and suggests a racially discriminatory practice.
- 14 2. **Eighth and Fourteenth Amendments – Right Against Cruel and Unusual**
15 **Treatment:** Although traditionally applied to prisoners, the principle of protection
16 against unnecessary suffering extends to all individuals in government custody or care.
17 The Supreme Court in **Estelle v. Gamble**, 429 U.S. 97 (1976), held that denying medical
18 treatment constitutes cruel and unusual punishment when it reflects "deliberate
19 indifference to serious medical needs." By analogy, failing to assist African American
20 victims after a hate crime shows a deliberate disregard for their well-being, resulting in
21 avoidable physical and emotional suffering.
- 22 3. **42 U.S.C. § 1983 – Federal Civil Rights Statute:** Section 1983 provides redress for
23 individuals whose constitutional rights are violated by government officials. Under
24 **Monell v. Department of Social Services**, 436 U.S. 658 (1978), a municipal policy or
25 pattern that results in denial of care to African American victims of hate crimes would
26 make the department liable under § 1983.

27 Failing to provide medical attention to African American victims of hate crimes violates the
28 Equal Protection Clause by treating victims differently based on race and perpetuates
29 unnecessary suffering. Federal court intervention is necessary to ensure that all citizens receive
30 equal protection and humane treatment, particularly in situations of heightened vulnerability and
31 violence.

32 **A police department's refusal to document or classify an incident as a hate crime**
33 **when clear evidence suggests it was motivated by racial bias denies the victim equal protection**
34 **under the law and can obstruct their access to legal recourse.** This action discriminates against
35 the victim based on race, preventing them from receiving the same protections and
36 documentation available to others. Such refusal also infringes on the victim's First Amendment
37 right to seek redress, as proper classification is often essential for legal follow-up and for holding
38 offenders accountable.

39 The refusal to classify and document a hate crime denies equal protection, obstructs access to
40 justice, and violates the victim's right to petition. Federal court intervention is necessary to

1 address these unconstitutional practices, uphold civil rights, and ensure equitable treatment of all
2 citizens.

3 **The refusal by Oakland Police Department (OPD) officers to take the victim's**
4 **statement after a racially motivated, violent hate crime not only denies the victim's right to equal**
5 **protection but also obstructs their access to justice. By ignoring the victim's account of an**
6 **attempted murder by an openly racist assailant, OPD effectively prevents the victim from**
7 **documenting a critical piece of evidence, thereby limiting potential legal recourse and**
8 **perpetuating racial discrimination.**

9 OPD's refusal to take the statement of an African American victim of an attempted racially
10 motivated murder is a clear violation of equal protection, due process, and the right to petition.
11 These actions deny the victim fundamental protections and prevent meaningful access to justice.
12 Federal court intervention is necessary to hold OPD accountable for discriminatory practices and
13 to uphold the civil rights of all citizens equally.

14 **Do African American victims of a racially motivated violent hate crime has the civil right**
15 **to be accurately included in a police report.** The arbitrary omission of the victim violates
16 constitutional protections under the Equal Protection and Due Process Clauses and lacks any
17 statutory or judicial basis allowing such exclusion.

18 The omission of a victim's information from an official police report violates their procedural
19 and substantive due process rights. Procedurally, victims have the right to a fair and impartial
20 investigation, which requires accurate documentation. Substantively, denying the victim's
21 inclusion obstructs their access to justice and the ability to seek redress for the crime.

- 22 • **Mapp v. Ohio, 367 U.S. 643 (1961):** The Court reinforced that due process ensures
23 fairness in all interactions with state actors, including police departments. Arbitrarily
24 omitting a victim's information undermines the fairness of the investigative process and
25 potentially thwarts the victim's ability to pursue justice.
- 26 • **Goldberg v. Kelly, 397 U.S. 254 (1970):** The ruling established that procedural due
27 process rights require the opportunity to be heard and participate meaningfully in
28 proceedings that impact one's rights. Excluding a victim's account from a police report
29 hampers their right to participate in subsequent legal or protective measures.

30 31 **. No Statutory Basis for Arbitrary Omission**

32 There is no statutory or case law basis that permits police officers to arbitrarily exclude victims
33 of violent crimes from official reports. The duty of police officers is to document crimes
34 accurately and fairly, ensuring that all victims are represented. Failure to do so compromises the
35 integrity of law enforcement and undermines public trust.

- 36 • **42 U.S.C. § 1983 – Federal Civil Rights Statute:** Section 1983 provides for recourse
37 when government officials, acting under the color of law, violate constitutional rights.

1 Arbitrary exclusion of an African American victim from a report could be interpreted as a
2 "policy or custom" of discriminatory behavior, making the department and officers liable
3 under § 1983. In **Monell v. Department of Social Services**, 436 U.S. 658 (1978), the
4 Court ruled that municipalities could be held liable for constitutional violations stemming
5 from policies or practices.

6 **Judicial Precedent Supporting Accountability**

7 Courts have underscored the importance of accurate police reporting and have held that failure to
8 properly document victims' involvement or to act in a discriminatory manner opens law
9 enforcement agencies to legal challenges.

- 10 • **DeShaney v. Winnebago County Department of Social Services**, 489 U.S. 189 (1989):
11 While the case dealt with state failure to protect an individual, the Court acknowledged
12 that once the state engages in certain actions (such as documenting crimes), it must do so
13 without violating constitutional protections. Omitting a victim's information from a
14 report could be seen as a failure to fairly carry out such duties.

15 The exclusion of an African American victim from a police report involving a violent
16 hate crime violates the Equal Protection Clause, due process rights, and the right to
17 petition for redress. No statute or judicial precedent supports the arbitrary omission of
18 victims by police officers. Federal court intervention is warranted to correct
19 discriminatory practices and ensure equal application of the law.

20 **E. Our argument that a civil rights suit against the Oakland Police**

21 **Department (OPD) has merit in federal court**, especially given the allegations of historical
22 racial prejudice and refusal to classify a hate crime, the focus should be on constitutional
23 protections, statutory civil rights provisions, and the public interest in addressing institutional
24 discrimination. Federal courts have a mandate to address claims that government entities have
25 violated federally protected rights, particularly those rooted in racial discrimination and equal
26 protection.

27 Refusing to document a clear hate crime when the victim is a Black individual potentially
28 violates the Equal Protection Clause, as it suggests discriminatory treatment based on race. The
29 Equal Protection Clause protects individuals from state-sanctioned discrimination and ensures
30 fair treatment by government officials, including law enforcement.

- 31 • **Village of Arlington Heights v. Metropolitan Housing Development Corp.**, 429 U.S.
32 **252, 265-66 (1977)**: The Supreme Court held that discriminatory actions by government
33 officials violate the Equal Protection Clause when there is an intention or policy to
34 discriminate based on race. Here, if the OPD systematically fails to classify and
35 investigate hate crimes against Black individuals as hate crimes, it raises a potential equal
36 protection violation that merits federal court review.
- 37 • **Yick Wo v. Hopkins**, 118 U.S. 356 (1886): In *Yick Wo*, the Supreme Court established
38 that discriminatory enforcement of otherwise neutral laws violates the Equal Protection
39 Clause. OPD's refusal to classify an obvious hate crime could be argued as discriminatory

1 enforcement, as it prevents Black victims from receiving the same level of protection
2 afforded to others, a claim that has standing under the Equal Protection Clause.

3 **Right to Petition the Government for Redress (First Amendment)**

4 When law enforcement omits a victim from a police report, it interferes with the victim's First
5 Amendment right to petition the government for redress. Accurate police documentation is
6 crucial for the victim's ability to initiate further legal action or seek remedies, both of which fall
7 under the right to petition.

- 8 • **Smith v. Arkansas State Highway Employees, Local 1315, 441 U.S. 463 (1979):** The
9 Court affirmed that citizens have the right to seek redress for grievances from the
10 government. The exclusion of the victim from a police report obstructs this fundamental
11 right, as it impairs their ability to file complaints, pursue charges, or seek justice through
12 the legal system.

14 **Violation of Federal Civil Rights Statutes (42 U.S.C. § 1983)**

15 Federal law provides recourse under 42 U.S.C. § 1983 for individuals whose constitutional rights
16 are violated by state or local officials. When a police department's actions appear rooted in racial
17 prejudice, as suggested by a "storied history of racism," the federal court is the appropriate venue
18 to hear and remedy such claims.

- 19 • **Monell v. Department of Social Services, 436 U.S. 658, 690-91 (1978):** In Monell, the
20 Supreme Court held that municipalities and their officials can be liable under § 1983
21 when a plaintiff shows a pattern or practice of unconstitutional actions. If OPD has a
22 practice of ignoring or downgrading hate crimes involving Black victims, this could
23 constitute a "policy or custom" that warrants federal court intervention.
- 24 • **Gomez v. Toledo, 446 U.S. 635, 640 (1980):** This case established that federal courts are
25 obligated to hear claims under § 1983 where the plaintiff alleges deprivation of
26 constitutional rights, specifically here the right to equal protection. A federal court has
27 jurisdiction to determine if OPD's refusal to acknowledge a hate crime violates § 1983 by
28 depriving the plaintiff of equal protection and due process.

29 **The Right to Petition the Government and Equal Access to Justice (First** 30 **Amendment)**

31 The First Amendment guarantees the right to petition the government for redress of grievances.
32 OPD's refusal to accurately document a hate crime may be seen as denying the plaintiff the
33 opportunity for justice and the right to pursue further action through the criminal justice system.

- 34 • **Smith v. Arkansas State Highway Employees, Local 1315, 441 U.S. 463, 464-65**
35 **(1979):** The Supreme Court held that the right to petition is fundamental and cannot be
36 infringed upon by government action that effectively denies an individual's access to

1 legal remedies. By refusing to properly classify a hate crime, OPD may have denied the
2 plaintiff the necessary documentation to pursue further legal action or public
3 accountability, thus infringing upon their First Amendment rights.

4 **Historical Context and Institutional Patterns of Discrimination**

5 OPD's historical record of racial discrimination, particularly against Black residents,
6 contextualizes the refusal to classify a hate crime as part of a broader institutional issue. Courts
7 have a vested interest in addressing systemic discrimination within law enforcement agencies,
8 especially those with a documented pattern of racial bias, as this serves the broader public
9 interest in ensuring fair treatment.

- 10 • **City of Los Angeles v. Lyons, 461 U.S. 95, 102 (1983):** The Supreme Court in this case
11 emphasized the federal court's role in addressing systematic practices that pose an
12 ongoing risk to constitutional rights. Given the historical allegations against OPD, there is
13 a significant public interest in examining whether this refusal to file a hate crime report
14 was part of a broader discriminatory pattern that needs judicial oversight.
- 15 • **United States v. City of Philadelphia, 644 F.2d 187, 191 (3d Cir. 1980):** This case
16 highlighted that federal courts have the authority to address systemic abuses within police
17 departments under § 1983. Allegations of systemic racial discrimination within OPD
18 would thus be a matter for the federal courts to address, given that such practices
19 undermine public confidence and infringe upon constitutional rights.

20 **Public Interest in Ensuring Accountability in Law Enforcement**

21 The federal court system serves an essential role in upholding the integrity of law enforcement
22 agencies by ensuring they do not perpetuate discrimination or fail to protect the rights of
23 minority groups. Civil rights suits against municipal police departments have consistently been
24 upheld where there are allegations of biased practices that deny certain groups equal protection.

- 25 • **Terry v. Ohio, 392 U.S. 1, 15 (1968):** The Supreme Court noted the critical need for
26 judicial scrutiny in law enforcement practices to prevent abuses, especially where there is
27 an "undercurrent of racism" or unequal treatment. The allegations against OPD reflect a
28 potential public interest in addressing these biases and ensuring that all citizens,
29 regardless of race, receive fair treatment.
- 30 • **Alexander v. City and County of San Francisco, 29 F.3d 1355, 1360 (9th Cir. 1994):**
31 The Ninth Circuit ruled that discriminatory practices by law enforcement agencies must
32 be scrutinized to maintain public trust and ensure constitutional protections. This case
33 demonstrates that federal courts have the responsibility to address racially biased
34 practices by local police, especially where they undermine citizens' equal protection and
35 due process rights.

36 The refusal by OPD to classify an obvious hate crime as such when it involved a Black victim
37 appears to be a violation of both the Equal Protection Clause and § 1983, raising legitimate
38 grounds for a civil rights suit in federal court. Given OPD's history, this refusal might not be an
39 isolated incident but part of a systemic problem. Federal courts have both the authority and

1 responsibility to hear and address these claims to protect individuals' rights, ensure institutional
2 accountability, and uphold public confidence in law enforcement.

3 4 **Policy Considerations and Judicial Oversight**

5 Judicial review ensures that law enforcement operates within the bounds of constitutional and
6 statutory mandates. Without such oversight, there is a risk of systemic abuse, erosion of civil
7 liberties, and disproportionate harm to marginalized communities.

8

9 Judicial review of police conduct is essential to ensuring accountability, protecting civil rights,
10 and maintaining public trust in law enforcement. Through the enforcement of constitutional
11 protections, application of civil remedies like § 1983, and the deterrence of future misconduct,
12 courts play a vital role in preserving the rule of law. Cases such as *Graham v. Connor*, *Monroe v.*
13 *Pape*, and *Tennessee v. Garner* demonstrate the judiciary's critical function in addressing and
14 remedying police misconduct. By continuing to exercise robust oversight, federal courts fulfill
15 their constitutional duty to safeguard individual liberties against abuse by government actors.

16 17 **Police Training:**

18 **The Duty of Federal Courts to Address Allegations of Systemic Police Training** 19 **Deficiencies**

20 Under *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978),
21 municipalities can be held liable under 42 U.S.C. § 1983 for actions that are a "policy or
22 custom." This includes deliberate indifference to inadequate training when such deficiencies lead
23 to constitutional violations, such as falsifying police reports. If a police department's training
24 practices contribute to officer misconduct, federal courts have a duty to consider these practices
25 as relevant to the overall claim. By dismissing the case without addressing the documented
26 training issues, the court neglected its responsibility to evaluate the complaint comprehensively.

27 The Supreme Court reinforced this duty in *City of Canton v. Harris*, 489 U.S. 378 (1989),
28 finding that failure to provide adequate training can create municipal liability when it leads to
29 violations of constitutional rights. In this case, the judge's dismissal disregarded documents
30 indicating that deficient training was not only present but sanctioned by police department
31 administration. This oversight undermines judicial obligations and the plaintiff's right to hold the
32 department accountable for systemic issues impacting officer conduct and public safety.

33 **Ignoring Training Deficiencies Prevents Proper Judicial Review of Constitutional** 34 **Violations**

1 Failure to acknowledge training deficiencies as part of a systemic issue violates the spirit of
2 *Canton* and similar precedents, which command courts to ensure police departments adhere to
3 constitutional standards. The allegations here — that inadequate training led officers to file a
4 false report and administrative inaction enabled this misconduct — should be acknowledged as
5 relevant. This alleged indifference to accuracy and accountability in police reporting represents a
6 policy issue that has been previously examined and condemned by federal courts.

7 In *Oviatt v. Pearce*, 954 F.2d 1470 (9th Cir. 1992), the Ninth Circuit held that liability attaches
8 where a public entity's failure to train reflects a deliberate or conscious choice that results in
9 constitutional injury. Similar reasoning applies here: ignoring the training issue fails to address
10 the root cause of misconduct. The court's refusal to review this claim disregards established legal
11 principles recognizing the necessity of accurate police reporting, especially where public trust
12 and civil rights are at stake.

13 **Historical and Case Law Relevance of Addressing Police Training**

14 A failure to address training deficiencies risks setting dangerous precedents. In cases like *Fiacco*
15 *v. City of Rensselaer*, 783 F.2d 319 (2d Cir. 1986), courts have historically addressed training
16 deficiencies when examining systemic police issues that impact individual rights. Judicial
17 recognition of these problems is critical to ensuring accountability and deterring future abuses.

18 Neglecting to address training and supervisory failures here contradicts the court's obligation to
19 foster a culture of accountability within law enforcement. The plaintiff's claims relate directly to
20 an overarching issue of inadequate training that courts have consistently recognized as relevant
21 to constitutional claims. Refusing to address these claims based on perceived "inferiority"
22 ignores historical precedent that mandates judicial consideration of systemic training
23 deficiencies.

25 **The Importance of Judicial Review of Police Conduct in Ensuring Accountability**

26 Federal courts play an essential role in maintaining police accountability, especially when
27 misconduct disproportionately impacts minority communities. In cases such as *Tennessee v.*
28 *Garner*, 471 U.S. 1 (1985), the Supreme Court underscored the importance of scrutinizing police
29 conduct that affects constitutional rights, particularly in communities vulnerable to
30 discrimination. Dismissing cases involving documented police misconduct discourages
31 transparency and accountability, denying individuals like Plaintiff the opportunity for redress and
32 setting a dangerous precedent that undermines trust in law enforcement.

33 Judicial review of police conduct is a cornerstone of accountability within a constitutional
34 democracy. By scrutinizing the actions of law enforcement, federal and state courts safeguard
35 individual rights, deter abuse of power, and maintain public confidence in the rule of law. The
36 judiciary's role is critical in addressing misconduct, protecting civil liberties, and upholding
37 constitutional principles.

1

2 **Constitutional Foundation for Judicial Review**

3 The U.S. Constitution provides the framework for judicial oversight of police conduct through
4 the **Fourth, Fifth, Eighth, and Fourteenth Amendments**, which collectively protect individuals
5 from unlawful searches, seizures, excessive force, and discriminatory practices.

- 6 • **Fourth Amendment:** Protects against unreasonable searches and seizures, requiring
7 courts to review law enforcement actions to ensure adherence to constitutional standards.
8 • **Fourteenth Amendment:** Guarantees due process and equal protection, empowering
9 courts to address discriminatory or unjust policing practices.

10 **Case Law Support:**

- 11 • **Terry v. Ohio, 392 U.S. 1 (1968):** The Supreme Court held that police actions, such as
12 stop-and-frisk procedures, must be reviewed to ensure they are reasonable under the
13 Fourth Amendment. Judicial review here ensures that law enforcement balances public
14 safety with individual rights.
15 • **Graham v. Connor, 490 U.S. 386 (1989):** The Court established the "objective
16 reasonableness" standard for evaluating claims of excessive force under the Fourth
17 Amendment. Judicial oversight in such cases prevents unchecked police violence.

18

19 **Accountability Through Civil Remedies: 42 U.S.C. § 1983**

20 The federal remedy under **42 U.S.C. § 1983** allows individuals to seek redress for violations of
21 their constitutional rights by police officers acting under color of law. Judicial review in § 1983
22 claims provides a vital check on police misconduct, ensuring that victims of abuse have a
23 pathway to justice.

24 **Case Law Support:**

- 25 • **Monroe v. Pape, 365 U.S. 167 (1961):** The Supreme Court recognized that § 1983
26 provides a remedy for individuals whose rights are violated by police misconduct,
27 reinforcing the judiciary's role in holding law enforcement accountable.
28 • **Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978):** The Court held that municipalities
29 can be held liable under § 1983 for police misconduct stemming from official policies or
30 customs, emphasizing systemic accountability.

31

32 **Deterring Police Misconduct Through Judicial Oversight**

1 Judicial review of police conduct not only redresses individual grievances but also deters future
2 misconduct. By exposing and penalizing unlawful actions, courts send a clear message that abuse
3 of power will not be tolerated.

4 **Case Law Support:**

- 5 • **Mapp v. Ohio, 367 U.S. 643 (1961):** The exclusionary rule was established to deter
6 illegal searches and seizures, holding that evidence obtained in violation of the Fourth
7 Amendment cannot be used in court. Judicial oversight in such cases ensures compliance
8 with constitutional standards.
- 9 • **Tennessee v. Garner, 471 U.S. 1 (1985):** The Court limited the use of deadly force by
10 law enforcement, demonstrating the judiciary's role in setting boundaries for police
11 conduct to prevent unnecessary loss of life.

12

13 **Public Confidence and the Rule of Law**

14 Judicial review is essential in maintaining public trust in law enforcement. When courts address
15 police misconduct transparently and impartially, they reinforce the rule of law and demonstrate
16 that no one is above accountability.

17 **Case Law Support:**

- 18 • **Brown v. Board of Education, 347 U.S. 483 (1954):** Although not a policing case, the
19 decision underscores the judiciary's role in addressing systemic injustices, a principle
20 equally applicable to ensuring accountability in law enforcement.
- 21 • **Floyd v. City of New York, 959 F. Supp. 2d 540 (S.D.N.Y. 2013):** A federal court ruled
22 that the NYPD's stop-and-frisk practices were unconstitutional, demonstrating the
23 judiciary's ability to check systemic police misconduct and restore public confidence in
24 policing practices.

25

26

27 For these reasons, Plaintiff respectfully contends that the court erred in dismissing this case with
28 prejudice, as it implies a denial of federal court access for African American hate crime victims
29 seeking justice. The dismissal overlooks well-established constitutional protections and
30 undermines the federal mandate to address claims of racial discrimination within public safety
31 departments. Plaintiff requests the court to reconsider this dismissal and allow the case to
32 proceed in the interest of justice and equal protection under the law.

33 Appellant respectfully requests that the Ninth Circuit reverse the District Court's dismissal order,
34 remand this case for further proceedings, and instruct the District Court to permit Plaintiff to
35 amend his complaint, serve the defendants, and continue to litigate his claims on the merits. As a

1 pro se litigant, Plaintiff should be afforded every reasonable opportunity to pursue his claims
2 under the principles of due process and fair treatment. If the court believes that the
3 recommendation that forced the plaintiff to pay the fee was in error. The plaintiff should be
4 allowed to go forward as a non pauperus plaintiff and receive a full refund immediately as his
5 money has been held without any basis of right.

6 The dismissal of Plaintiff's case against the Oakland Police Department and the city of Oakland
7 disregards established constitutional protections and fails to recognize the rights of African
8 American hate crime victims. The court's decision not to allow the case to proceed fails to hold
9 government entities accountable for systemic failures that infringe on civil rights. Plaintiff
10 respectfully requests that the court reconsider its decision and allow this case to proceed, thereby
11 affirming the role of the federal judiciary in protecting individual rights and ensuring
12 accountability in law enforcement.

13
14
15 Dated: December 18, 2024
16 Respectfully submitted,
17 Dennis Bruce Allums
18 Pro Se Plaintiff-Appellant

19
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