

UNITED STATES DISTRICT COURT

for the

Central District of California



RICHARD L. CAIN, an individual

Plaintiff(s)

v.

BARACK H. OBAMA, President of the United States

(See Attached)

Defendant(s)

Civil Action No.

CV14-05735

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

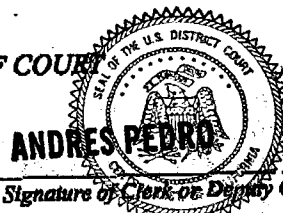
RICHARD L. CAIN
740 GARDEN STREET
SANTA BARBARA, CA 93101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: _____

7/23/2014

CLERK OF COURT



ANDRES PEDRO

Signature of Clerk or Deputy Clerk

1 Richard L. Cain
2 PO Box 91756
3 Santa Barbara, California 93190
4 Telephone: 805-252-8615
5 E-mail: cainrl@tjssl.edu

6 Attorney for Plaintiff: In Pro Se

7 **THE UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9
10 RICHARD L. CAIN, an individual.

11 Plaintiff,

12 vs.

13 BARACK H. OBAMA, President of the
14 United States; UNITED STATES
15 DEPARTMENT OF DEFENSE;
16 CHUCK HAGEL, in his official and
17 individual capacity as Secretary of
18 Defense; UNITED STATES
19 CENTRAL INTELLIGENCE
20 AGENCY, John O. Brennan, in his
21 official and individual capacity as
22 Director of the Central Intelligence
23 Agency; SPACE AND NAVAL
24 WAREFARE SYSTEMS COMMAND
25 (SPAWAR), Pat Brady, in his official
26 and individual capacity as Chief of
27 Naval Operations; UNITED STATES
28 ARMY RESEARCH MATERIEL
COMMAND, John Mchugh, in his
official capacity and individual capacity
as Secretary of the Army; LEVEL 3
COMMUNICATIONS, a Private
Entity; ALFRED MANN

Case No.:

**COMPLAINT FOR DAMAGES:
CIVIL RIGHTS VIOLATIONS;
DECLARATORY; AND
INJUNCTIVE RELIEF.**

("BIVENS ACTION")

- (1). Bivens: Conspiracy to violate, 4th Amendment, Unreasonable Search And Seizure; in violation of (42 U.S.C § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986).
- (2). Bivens: Conspiracy to violate, 5th and 14th Amendments, Due Process Rights; in violation of (42 U.S.C § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986).
- (3). Bivens: Conspiracy to violate, 8th Amendment, Cruel and Unusual Punishment; in violation of (42 U.S.C § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986).

1 FOUNDATION, a private entity;
2 COTTAGE CENTER FOR
3 ADVANCED IMAGING, a Private
4 Entity; COTTAGE HEALTH
5 SYSTEM, a Private Entity; DIGNITY
6 HEALTH, a Private Entity, SANSUM
7 CLINIC, a Private Entity; PUEBLO
8 RADIOLOGY, a Private Entity; KAI
9 KINDER, MD-R., in his individual
10 capacity; SEAN SNODGRES, M.D., in
11 his individual capacity; ALI R.
12 SEPHARDI, M.D., in his individual
13 capacity; STEVEN HARTZMAN,
14 M.D., in his individual capacity;
15 THOMAS C. DAUGHTERS, M.D., in
16 his individual capacity; ARTHUR A.
17 LEE, M.D., in his individual capacity;
18 NISHANT MEHTA, M.D., in his
19 individual capacity; DONALD RINK,
20 M.D., in his individual capacity;
21 RAYMOND MASTROVITO, M.D., in
22 his individual capacity; RAMONA
23 CLARK, M.D., in her individual
24 capacity; JOHN WRENCH, M.D., in
25 his individual capacity; KATHLEEN
26 PONJUNAS, M.D., in her individual
27 capacity; JEFFREY HADSALL, M.D.,
28 in his individual capacity; KENNETH
R. DAUGHTERS, in his individual
capacity; SIMONMED IMAGING, a
private entity; SANSUM DIABETES
RESEARCH INSTITUTE, a private
entity; Unknown Federal Agents; and
DOES 1 through DOES 100,

Defendants,

(4). Bivens: Conspiracy to Violate; Cal
Civil Code 52.7; in violation of
(42 U.S.C § 1983, 42 U.S.C. §
1985, and 42 U.S.C. § 1986).

**Exhibits and Medical Expert Witness
Declarations are Herein Attached.**

DEMAND FOR JURY TRIAL.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

(a) PLAINTIFFS (Check box if you are representing yourself) **DEFENDANTS** (Check box if you are representing yourself)

RICHARD L. CAIN, an individual

(b) County of Residence of First Listed Plaintiff SANTA BARBARA **County of Residence of First Listed Defendant** _____
(EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

RICHARD L. CAIN (805-252-8615)
740 GARDEN ST.
SANTA BARBARA, CA 93101

II. BASIS OF JURISDICTION (Place an X in one box only.)

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

2. U.S. Government Defendant 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

Citizen of This State	PTF <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <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. 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. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
(BIVENS ACTION) VIOLATION OF 4TH, 5TH, 8TH, AND 14TH AMENDMENTS

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY	TORTS	IMMIGRATION	PRISONER PETITION	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 820 Copyrights	
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent	
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark	
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 881 HIA (1395ff)	
<input type="checkbox"/> 450 Commerce/ICE Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))	
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 55ID Title XVI	
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))	
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 345 Marine Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 690 Other		
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 710 Fair Labor Standards Act		
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 199 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 362 Personal Injury-Veiled Malpractice	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations		
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 740 Railway Labor Act		
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 751 Family and Medical Leave Act		
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 790 Other Labor Litigation		
<input type="checkbox"/> 950 Constitutionality of State Statutes				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act		

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court?

Yes No

If "yes," skip to Question B. If "no," check the right that applies, enter the pending division in response to Question E, below, and continue from there.

STATE CASE WAS PENDING IN THE COUNTY	INITIAL DIVISION IN COURT
<input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
<input type="checkbox"/> Orange	Southern
<input type="checkbox"/> Riverside or San Bernardino	Eastern

QUESTION B: Is the United States, or any of its agencies or employees, a party in this action?

Yes No

If "yes," skip to Question C. If "no," answer Question B.1, at right.

B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.?

check one of the boxes to the right →

YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.

NO. Continue to Question B.2.

B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.)

check one of the boxes to the right →

YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.

NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or any of its agencies or employees, a party in this action?

Yes No

If "yes," skip to Question D. If "no," answer Question C.1, at right.

C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.?

check one of the boxes to the right →

YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.

NO. Continue to Question C.2.

C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.)

check one of the boxes to the right →

YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.

NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants	Orange County	Riverside or San Bernardino County	Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of plaintiffs who reside in this district reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location(s) in which 50% or more of defendants who reside in this district reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

D.1. Is there at least one answer in Column A?

Yes No

If "yes," your case will initially be assigned to the SOUTHERN DIVISION.

Enter "Southern" in response to Question E, below, and continue from there.

If "no," go to question D2 to the right. →

D.2. Is there at least one answer in Column B?

Yes No

If "yes," your case will initially be assigned to the EASTERN DIVISION.

Enter "Eastern" in response to Question E, below.

If "no," your case will be assigned to the WESTERN DIVISION.

Enter "Western" in response to Question E, below. ↓

QUESTION E: INITIAL DIVISION

Enter the initial division determined by Question A, B, C, or D above: →

WESTERN

QUESTION F: Nonparty residence

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties?

Yes No

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in this court? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any cases previously filed in this court? NO YES

If yes, list case number(s): _____

Civil cases are related when they:

- A. Arise from the same or closely related transactions, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Check all boxes that apply. That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT): RICHARD L. CAIN DATE: 07/22/2014

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 9-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

FILED
CLERK, U.S. DISTRICT COURT
JUL 23 2014
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

Richard L. Cain
PO Box 91756
Santa Barbara, California 93190
Telephone: 805-252-8615
E-mail: cainrl@tjisl.edu

Attorney for Plaintiff: In Pro Se

THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD L. CAIN, an individual

Case No. **CY14-05735-DMG(E)**

Plaintiff,

vs.

BARACK H. OBAMA, President of the United States; UNITED STATES DEPARTMENT OF DEFENSE; CHUCK HAGEL, in his official and individual capacity as Secretary of Defense; UNITED STATES CENTRAL INTELLIGENCE AGENCY, John O. Brennan, in his official and individual capacity as Director of the Central Intelligence Agency; SPACE AND NAVAL WAREFARE SYSTEMS COMMAND (SPAWAR), Pat Brady, in his official and individual capacity as Chief of Naval Operations; UNITED STATES ARMY RESEARCH MATERIEL COMMAND, John Mchugh, in his official capacity and individual capacity as Secretary of the Army; LEVEL 3 COMMUNICATIONS, a Private Entity; ALFRED MANN

**COMPLAINT FOR DAMAGES:
CIVIL RIGHTS VIOLATIONS;
DECLARATORY; AND
INJUNCTIVE RELIEF.**

("BIVENS ACTION")

- (1). Bivens: Conspiracy to violate, 4th Amendment, Unreasonable Search And Seizure; in violation of (42 U.S.C § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986).
- (2). Bivens: Conspiracy to violate, 5th and 14th Amendments, Due Process Rights; in violation of (42 U.S.C § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986).
- (3). Bivens: Conspiracy to violate, 8th Amendment, Cruel and Unusual Punishment; in violation of (42 U.S.C § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986).

1 FOUNDATION, a private entity;
2 COTTAGE CENTER FOR
3 ADVANCED IMAGING, a Private
4 Entity; COTTAGE HEALTH
5 SYSTEM, a Private Entity; DIGNITY
6 HEALTH, a Private Entity, SANSUM
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9 KINDER, MD-R., in his individual
10 capacity; SEAN SNODGRES, M.D., in
11 his individual capacity; ALI R.
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18 NISHANT MEHTA, M.D., in his
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21 RAYMOND MASTROVITO, M.D., in
22 his individual capacity; RAMONA
23 CLARK, M.D., in her individual
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25 his individual capacity; KATHLEEN
26 PONJUNAS, M.D., in her individual
27 capacity; JEFFREY HADSALL, M.D.,
28 in his individual capacity; KENNETH
R. DAUGHTERS, in his individual
capacity; SIMONMED IMAGING, a
private entity; SANSUM DIABETES
RESEARCH INSTITUTE, a private
entity; Unknown Federal Agents; and
DOES 1 through DOES 10

Defendants,

(4). Bivens: Conspiracy to Violate; Cal
Civil Code 52.7; in violation of
(42 U.S.C § 1983, 42 U.S.C. §
1985, and 42 U.S.C. § 1986).

**Exhibits and Medical Expert Witness
Declarations are Herein Attached.**

DEMAND FOR JURY TRIAL.

I. PRELIMINARY STATEMENT

1
2
3 1. This public interest case arises from an evolving criminal conspiracy
4 perpetrated by: the **UNITED STATES DEPARTMENT OF DEFENSE (DOD)**
5 and its components, partnerships, grant recipients, and its defense subcontractors,
6 who authorized, funded, conspired, and concealed the fact that the Plaintiffs are
7 human research subjects; that they have been covertly and nonconsensually
8 implanted with (BION1) and (MEMS) submillimeter and millimeter prototype
9 military grade biomedical devices; that they have been placed in harm's way by the
10 government's and its cohorts' subterfuge of using technologically advanced
11 systems to violate the Bill of Rights as Amended into the Constitution of the
12 United States.

13 Defendants' devices are Radiofrequency (RF) controlled and powered. They
14 have, over the past decades, been specifically developed for the Department of
15 Defense and are capable of data collection, human research, surveillance, behavior
16 modification, and many other heinous crimes. In this case, defendants' medical
17 devices were illegally implanted into the bodies of the Plaintiff and his two minor
18 children while each were under the defendants' care and control at different times
19 and within different medical facilities which happen to be partnered with the
20 **DEPARTMENT OF DEFENSE** via direct money grants and written contracts.

21 2. The nanotechnology devices (BION and MEMS) are lawfully
22 manufactured. However, in this case, they are unlawfully used. They are designed
23 to send electrical stimulation directly into the muscles and other body parts of
24 consenting patients. Defendants, herein, are using the radiofrequency devices for
25 nonconsensual behavior modification and mind altering purposes. Plaintiffs have
26 and will continue to experience emotional stress, human suffering, physical pain
27 and mental anguish because of the inducement of electrical stimulation via the
28

devices throughout their bodies; absent injunctive relief and monetary redress by this Honorable Court.

II. INTRODUCTION

3. This is a complaint for monetary damages, declaratory and Injunctive relief by Plaintiff RICHARD L. CAIN an individual, and arising under 42 U.S.C. §§ 1983, 1985 and 1986, and the supplemental state law claim actionable under California Civil Code § 52.7. Injunctive relief is paramount as rouge government agents are interfering with the Plaintiffs civil and Constitutional rights to medical care, treatment, and right to counsel. Defendants are using National Security Letters (NSL'S) to prevent the evidence / biomedical devices from being removed from their bodies. The electrical devices are capable of causing loss of life and permanent injuries if they are not removed as quickly as possible.

4. This Biven's action also seeks punitive damages from the Department of Defense, its components, partnerships, grant recipients, its defense subcontractors and rouge government agents for their roles in the conspiracy and scheme which consisted of fraudulent diagnosis of high blood pressure and asthma which were designed to conceal the existence of the covertly implanted experimental prototype biomedical devices. All of the biomedical devices are invasive, but the most barbaric implants have been discovered in the skull and brain of the Plaintiff, and are known in the biomedical community as "Remote Neural Monitoring" (RNM) (RF) devices. Essentially the devices are brain and skull electronic devices. Plaintiffs have been implanted with two different types of biomedical devices which are the subject of this litigation. The two different discovered devices are the (AMF) (BION1) Radiofrequency Microstimulators (RFM) which are 2 mm in diameter x 16 mm in length and the Microelectromechanical Systems (MEMS)

1 (AMF) (BION1) Radiofrequency Microstimulators (RFM) which are 2 mm in
2 diameter x 16 mm in length and the Microelectromechanical Systems (MEMS)
3 "microstimulators which are submillimeter and millimeter in size and have been
4 found implanted throughout the bodies of the plaintiff and his two minor children.
5 All of the devices have been traced back to Fort George G. Meade, Maryland.
6 Defendants actions are violative of the Plaintiffs 4th, 5th, 8th and 14th Amendments
7 of the United States Constitution. An outline of how the Defendants remotely
8 surveiled and tortured the Plaintiffs by triggering the Radiofrequency
9 Microstimulators (RFM) biomedical devices is hereto attached as **Exhibit 1**.

10 5. Defendant Department of Defense (DOD) is responsible for oversight
11 needed to deter war and to protect the security of our country. Within (DOD) the
12 Director of Defense Research and Engineering is responsible for the oversight and
13 advocacy of all research and engineering programs and serves as the Chief
14 Technology Officer of the Department of Defense. This includes responsibility for
15 Science and Technology programs (consisting of Basic Research, Applied
16 Research, and Advanced Technology Development) and Advanced Component
17 Development and Prototypes programs.

18 6. Defendant Department of Defense (DOD) component organizations
19 include the Military Departments and the Defense Agencies, which are responsible
20 for management and execution of programs and projects associated with research
21 and technology broadly, including nanotechnology. Numerous Component
22 organizations within (DOD) are involved in nanotechnology research and
23 development including: United States Army Medical Research Materiel Command
24 (USAMRMC); Space and Naval Warfare Systems Command (SPAWAR); Air
25 Force Office of Scientific Research (AFOSR); Army Engineering R&D Center;
26 Army Research Laboratory (ARL); Army Research Office (ARO); Defense
27 Advanced Research Projects Agency (DARPA); Office of the Director, Defense
28

1 Research & Engineering (ODDR&E); Defense Threat Reduction Agency (DTRA);
2 and Office of Naval Research (ONR).

3 7. Department of Defense, its components, partnerships, grant recipients,
4 and or its defense subcontractors, Alfred Man Foundation, Second Sight LLC, and
5 Advanced Bionics developed the (BION) "microstimulators" under the
6 Department of Defense U.S. Naval Space Warfare Centre (SPAWAR) contract #
7 N6600106C8005 and for the CIA detainee program. The devices are currently
8 classified pursuant to an executive order and are alleged to in the interest of
9 "NATIONAL SECURITY" and which applies to the CIA Director's "statutory
10 obligation to protect from disclosure, intelligence sources and methods".

11 8. Defendants are now attempting to hide the contract / evidence in
12 anticipation of this Litigation By alleging that contract # N6600106C8005 is only
13 associated with the John Hopkins University, Biomedical Research Projects and
14 funded by the U.S. Navy.

15 9. Department of Defense, its components, partnerships, grant recipients,
16 and or its defense subcontractors and the Alfred Mann Foundation (AMF) with
17 funding from National Institutes of Health (NIH) Neural Prosthesis Program
18 contract # N01-NS5-2325, which was funded by the (DOD), developed the
19 Microelectromechanical Systems (MEMS) nanotechnology submillimeter and
20 millimeter nanotechnology devices which are powered by radiofrequency (RF) and
21 or Battery. (AMF) held contracts from William Heetderks at the National Institutes
22 of Health (NIH). NIH funded (AMF) which is a Central Intelligence Agency (CIA)
23 Special Access Program (SAP) developer of the (MEMS) implants under Naval
24 Space Warfare (SPAWAR). (AMF) has publicized its development of (MEMS)
25 microstimulators. The (RF) devices also function as Radiofrequency Identification
26 Devices (RFID's), and which receive a radio signal that is translated into an
27 electrical signal powering the implant to discharge an electrical pulse into either
28

1 the nervous system or a muscle. This signal also discharges an echo back of
2 information for the purpose of data collection, and tracking. The nanotechnology
3 devices were also, developed under the Defense Advanced Research Projects
4 Agency (DARPA) programs of Tony Tether, Col. Geoffrey Ling and N.I.H
5 programs of William Heetderks and have been protected as a Defense "**Special**
6 **Access Program**"¹ (SAP), which is the official terminology for a "**black**
7 **project**".

8 10. Department of Defense, its components, partnerships, grant recipients,
9 and or its defense subcontractors implanted or injected their biomedical intellectual
10 property into the bodies of the Plaintiff's. The research has resulted in implantable
11 devices that are millimeter and submillimeter in size, and can be surreptitiously
12 implanted, and are fabricated in a manner that the devices in some cases cannot be
13 detected or localized by clinical medical or radiology techniques and provides a
14 vast amount of surveillance capability regarding subject's activities which may
15 include visual and auditory biofeedback data. Additionally, the devices are capable
16 of delivering testosterone or any other biological agents.

17 11. Department of Defense, its components, partnerships, grant recipients,
18 defense subcontractors and (AMF) developed a family of (BION) transponders,
19 microrstimulators and microelectrodes. The patent licensing for the (AMF) (BION)
20 transponder implant is at 400MHz. This means that the Defendants, deputized
21 neighbors, and rouge government agents can communicate with the implanted (RF)
22 controlled device in excess of 200 feet or more. Intel Corps FCC comments, state
23 that even at 25 μ -watt (less than 1-milliwatt), Intel was able to use 403MHz (same
24 as Mann Foundation license) to achieve a range of approximately 1600 meters. A
25 true copy of the (AMF) patent and family of (BION) transponders /
26 microstimulators is herein attached as **Exhibit 2**.

1 12. Defendant Department of Defense, its components, partnerships, grant
2 recipients, and or its defense subcontractors also implanted associated devices into
3 the bodies of the Plaintiffs. The devices include but are not limited to
4 microtransducers, transmitters, coils, transducer-telemeters, and stimulating
5 metallic electrodes, power receivers, control circuitry, digitizer, telemetry circuitry,
6 and other unknown biomedical devices, and all of them assist in the primary
7 purpose of data collection, tracking, and human research related surveillance.

8 13. Department of Defense, its components, partnerships, grant recipients,
9 and or its defense subcontractors were supposed to use the electrical stimulating
10 devices for lawful purpose and for the Neural Prosthesis Program (NPP) of The
11 National Institute of Neurological Disorders and Stroke for functional
12 neuromuscular stimulation (FNS) in spinal cord injured individuals. Instead rouge
13 elements of the government and their partners covertly implanted the devices into
14 the Plaintiff's and used them as guinea pigs for testing, while at the same time
15 torturing them. The implantable or injectable microstimulators were designed to
16 selectively stimulate paralyzed muscles in a controlled fashion to permit an
17 individual to use his or her own muscles as the motors to produce limb movement.
18 Multiple implantable microtransducers that sense contact, grasp force, and limb
19 position from either implanted transducers or intact sensory receptors may provide
20 sensory feedback from an otherwise insensate limb. This explains the why the
21 Minor children of the Plaintiff were observed experiencing uncontrolled limb
22 movements, flailing about in their sleep, complained of pain, and experienced
23 ("distressful breathing") while they attempted to slept. The remote triggering of the
24 (RF) devices caused the minor children to be rushed to the emergency room and
25 urgent care facilities on numerous occasions for which no expiation could be given
26 as to the cause of their discomfort. The partnership of rouge government agents,
27 medical facilities, and physicians conspired to implant the (RF) devices into the
28