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5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF NEVADA**

8 CLIVEN BUNDY

CASE NO.: 2:16-cv-01047

9 Plaintiff,

10 v.

11 GLORIA NAVARRO, in her individual capacity

12 and

13 HARRY REID, in his individual capacity,

14 and

15 RORY REID, in his individual capacity,

16 and

17 BARACK OBAMA, in his individual capacity,

18 and

19 KRISTEN ORTHMAN, in her individual capacity.

20 Defendants.
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24 **AMENDED BIVENS COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS**
25 **AND OTHER TORTIOUS ACTS**

26 Plaintiff, CLIVEN BUNDY, brings this complaint against each and every one of the named
27 Defendants, GLORIA NAVARRO, HARRY REID and BARACK OBAMA in their individual
28

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capacities, pursuant to *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), and sues Defendants RORY REID and KRISTEN ORTHMAN in their individual capacities.

JURISDICTION

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 as involving questions and controversies arising under Constitution and the Federal laws and regulations arising thereunder. The Court also has supplemental jurisdiction over Defendants Rory Reid and Kristen Othman pursuant to 28 U.S.C.A. § 1367

VENUE

Venue is proper in this district pursuant to 18 U.S.C. § 2334(a) and 28 U.S.C. §§ 1391(b) and 1391(d) as all of the parties except one (Defendant BARACK OBAMA) reside and work in this district, are citizens of the State of Nevada, and the acts complained of, which constitute the violation of Plaintiff's constitutional rights, occurred in this district.

THE PARTIES

1. Plaintiff CLIVEN BUNDY is a rancher who resides at Bunkerville, Nevada and is a citizen of the State of Nevada.

2. Defendant GLOREA NAVARRO is a federal judge in the District of Nevada and resides in and is a citizen of the State of Nevada and whose alleged acts herein are not entitled to immunity. She is being sued in her individual capacity.

3. Defendant HARRY REID is currently A U.S. Senator who resides in and is a citizen of the State of Nevada and whose alleged acts herein are not entitled to immunity. He is being sued in his individual capacity.

4. Defendant RORY REID is the son of Defendant Harry Reid who resides in and is a citizen of the State of Nevada. He is being sued in his individual capacity.

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1 5. Defendant BARACK OBAMA is the President of the United States who currently
2 resides in Washington, D.C. and is a citizen of the State of Illinois and whose acts alleged herein are
3 not entitled to immunity. He is being sued in his individual capacity.

4 6. Defendant KRISTEN ORTHMAN is employed by Defendant HARRY REID and on
5 information and belief resides in and is a citizen of the State of Nevada. She is being sued in her
6 individual capacity.

7 **THE FACTS**

8
9 7. On or about March 24, 2014 for a period of days leading into April 2016, Defendant
10 HARRY REID’S hand-picked Director of the Bureau of Land Management (BLM), Neil Kornze, a
11 longtime REID aide, at the direction of Defendant HARRY REID, ordered and sent the equivalent of
12 federal storm-troopers to Plaintiff BUNDY’S ranch to seize his and his family’s land and capture
13 and/or harm his cattle, at the direction of Defendant HARRY REID.

14 8. These so called federal agents proceeded to threaten the lives of Defendant BUNDY and
15 his family at gunpoint, abuse and kill their cattle, including burying bulls in secret mass graves,
16 severely mistreating mother cows and their calves, and assaulting, tazing, and severely injuring various
17 BUNDY family members to force them off the land.

18
19 9. For this purpose, mercenary soldiers were hired to terrorize and seriously harm
20 Defendant BUNDY and his family.

21 10. As revealed by numerous news agencies and sources, the reason for this invasion and
22 armed assault by the BLM and other agents, was to remove PLAINTIFF BUNDY and his family from
23 the land so it could be used in conjunction with the development of solar energy farms being developed
24 by people who had made substantial contributions to the Campaigns of Harry Reid and Barak Obama. ¹

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26
27 ¹ “[**Error! Main Document Only.**T]he Bureau of Land Management’s current director moved to that
28 job from a position on Harry Reid’s staff. The BLM study objecting to the Bundy cattle, and tying it to
a “mitigation proposal” for solar-energy projects, is also relevant. . . . **Error! Main Document
Only.**The hinge-point of this investigation is, however, the “mitigation” project for Gold Butte, which

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1 Defendant BUNDY, his sons and family, along with peaceful persons who were rightly armed and
2 defended by peaceful cowboys and militias under the First and Second Amendments to the Constitution
3 succeeded, after much personal and physical harm and damage was committed by agents of the BLM
4 and of Defendants HARRY REID, in having the BLM agents leave the premises at the BUNDY
5 RANCH. Defendant BUNDY, his sons and his family also possessed a First Amendment right to
6 peaceably assemble and associate.

7
8 11. Defendant HARRY REID threatened and broadcast publicly, as reported in numerous
9 publications: “They’re nothing more than domestic terrorists..... I repeat. What went on up there was
10 domestic terrorism.” According to the Las Vegas Review-Journal report of April 17, 2014, Defendant
11 HARRY REID also publicly and falsely accused “the Bundy backers of bringing their children to
12 protest the BLM so that federal authorities might harm them, which would prompt negative headlines
13 around the world and hurt the government’s case against the rancher.”
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18 lies just south of Bunkerville, Nevada. A swath of northern Gold Butte is where the Bundy cattle
19 graze. BLM designated Gold Butte an “Area of Critical Environmental Concern” (ACEC) in 1998. . . .
20 **Error! Main Document Only.**The BLM mitigation strategy, intended to mitigate the damage to the
21 regional ecosystem expected from developing the Dry Lake SEZ, is to beef up environmental
22 “protections” for Gold Butte. As desert tortoises, and other fauna and flora, decline in the SEZ, they
23 are to be encouraged and protected in the Gold Butte ACEC. This may include measures like
24 relocating desert tortoises to Gold Butte. . . . **Error! Main Document Only.**But, as documented by
25 Free Republic and others, a separate BLM document naming Cliven Bundy, last updated in March
26 2014, had this to say about his cattle: Non-Governmental Organizations have expressed concern that
27 the regional mitigation strategy for the Dry Lake Solar Energy Zone utilizes Gold Butte as the location
28 for offsite mitigation for impacts from solar development, and that those restoration activities are not
durable with the presence of trespass cattle. . . . [So] **Error! Main Document Only.**who is proposing
to invest in Dry Lake? What do you know. It turns out to be our old pal, crony-corruption firm
extraordinaire First Solar. A BLM document from July 2012 reflects First Solar as the only company
with an active application for a solar-energy project in the Dry Lake SEZ, BLM confirms that the
First Solar application is the only one on record. . . . First Solar proposes to build a 400 megawatt solar-
energy plant in the Dry Lake SEZ. **First Solar, you’ll remember, is the crony firm whose chairman
of the board, Michael Ahearn, bundled hundreds of thousands in political donations for Obama
and other Democrats, including the Democratic Senatorial Campaign Committee and Harry
Reid.** First Solar was rewarded for this special excellence with over \$3 billion in taxpayer “green
energy” subsidies. . . .(Emphasis added.)

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12. Also specifically, Defendant HARRY REID broadcast publicly “There were hundreds -- hundreds of people from around the country – that came there. They had sniper rifles on the freeway. They had assault weapons. They had automatic weapons.”

13. Further the Las Vegas Review-Journal reported other false statements by Defendant HARRY REID: “Cliven Bundy does not recognize the United States. He says that the United States is a foreign government. He doesn’t pay his taxes. He doesn’t pay his fees. And he doesn’t follow the law. He continues to thumb his nose at authority.” Defendant HARRY REID falsely added “If Bundy wins his battle with the BLM, it could set a precedent in which protesters and militias might come to the aid of other farmers and ranchers who have disputes with the federal government.” Laura Meyers, “Reid Calls Bundy Supporters ‘domestic terrorists,’ Las Vegas Review-Journal, April 17, 2014.

14. A day later, on April 18, 2014, the Las Vegas Review-Journal reported more threats and false statements by Defendant HARRY REID, acting in concert with Defendants RORY REID and OBAMA:

“The people, who hold themselves out to be patriots are not. They’re nothing more than domestic terrorists.” The publication also reported that “The Nevada Democrat said he had spoken in detail to Attorney General Eric Holder, FBI Director James Comey, Secretary of the Interior Sally Jewell (the department which oversees the BLM), as well as the Clark County Sheriff. Reid’s comments follow a weeklong back-and-forth between Bundy and the lawmaker. Reid said Monday that the situation at the ranch was ‘not over.’ Bundy struck back, saying Reid should stay out of Nevada and focus on doing his job in Washington. Reid said at an event on Thursday, It’s an issue that we cannot let go, just walk away from. Sen. Rand Paul said Reid shouldn’t be name-calling but added ‘there is a legitimate constitutional question’ as to whether states or the federal government should be in control.”

Lucy McCalmont, “Reid: Bundy’s domestic terrorists,” Las Vegas Review-Journal, April 18, 2014.

15. Thus, Defendant HARRY REID, acting in concert and conspiracy with Defendant OBAMA and the other Defendants, illegally and unethically misused the power of REID’s U.S. Senate position to have Plaintiff BUNDY prosecuted by the Obama administration in order to secure the ranchland of Cliven BUNDY. Defendants illegally and unethically misused the power of their offices

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for personal gain and campaign contribution pay back, particularly since Plaintiff Bundy and his family did not harm any federal agents and their mercenaries at the stand-off but simply exercised their Second and First Amendment constitutional rights to bear arms and peaceably assemble to stand peacefully in the way of this unethical, illegal, and corrupt attempted takeover of the Bundy’s ranch—which peaceful stand-off was stated as justified under the Constitution by Senator Rand Paul and scores of others.

16. Following the legal and constitutional stand-off, whereby Plaintiff BUNDY, his sons and other family members and supporters exercised their Second Amendment right of self-defense against the government, and succeeded in having the BLM agents and representatives leave the Bundy ranch unharmed, Plaintiff BUNDY publically equated his and his family’s situation to the plight of “Negroes” in the old South, whereby they were enslaved by a tyrannical government as he and his family believed they were, given the threats and violent attacks on his family members, his cattle and the Bundy’s supporters. He chose the word “Negro” believing that this was a proper term for African-Americans. He meant no disrespect and insult to African-Americans, particularly since he was equating his and his family’s plight with them. Indeed, the Reverend Martin Luther King referred to his people as “Negroes” and he is recognized as the greatest African-American civil rights leader in American history.

17. Threatening, mocking and disparaging Plaintiff BUNDY at a White House Correspondents’ Dinner on May 2, 2014, just days after the Plaintiff BUNDY’s successful stand-off, Defendant OBAMA made the following public statement, which while he couched it as humor, was in fact not humor but a threat to prosecute Defendant BUNDY and his sons and other family members for the successful standoff. This despicable disrespectful mocking threat was made to further the false and threatening statements of Defendant HARRY REID, as set forth above. Speaking at the dinner and on national and international television Defendant OBAMA publicly stated:

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“We have some other athletes here tonight, including Olympic snowboarding gold medalist Jamie Anderson is here. We’re proud of her. (Applause). Michelle and I watched the Olympics – we cannot believe what these folks do – death-defying feats – haven’t seen somebody pull a “180” like that fast since Rand Paul disinvited that Nevada rancher from this dinner. (Laughter). As a general rule, things don’t end well if the sentence starts, “Let me tell you something I know about the negro.” (Laughter). You don’t really need to hear the rest of it. (Laughter and Applause). Just a tip for you – don’t start your sentence that way. (Laughter).”

18. Indeed, in February 2016, about two years later, Defendant OBAMA, acting in concert with Defendants HARRY and RORY REID made good on his threat against Plaintiff BUNDY and his sons and had the sons Ammon, Ryan, Dave and Mel Bundy, arrested and charged with criminal acts by and through his Justice Department, now under the auspices of Attorney General Loretta Lynch, for a peaceful but armed protest at a game reserve in Oregon again over the BLM’s illegal and unconstitutional acts in attempting to seize land and chattels of fellow ranchers.

19. The only one harmed at this Oregon protest was a protester who was without cause shot and killed by a federal agent. The sons of Plaintiff BUNDY nor any other protestor had harmed any federal agent.

20. Shortly after this arrest and indictment in Oregon, Defendant OBAMA -- acting in concert with Defendant HARRY REID. after Plaintiff BUNDY traveled by airplane from Nevada to visit his sons in prison in Portland, Oregon – ordered Attorney General Loretta Lynch to have Defendant BUNDY arrested at the Portland airport and charged then indicted with 17 counts of criminal acts in Nevada, and then had Defendant BUNDY extradited back to Nevada and incarcerated in prison, where he remains to this day, in solitary confinement Plaintiff BUNDY’S sons Ammon, Ryan, Dave and Mel Bundy were also then indicted before a federal grand jury in Nevada for their alleged criminal acts during the March/April 2014 standoff, in addition to the indictment in Oregon over their peaceful protest there.

21. The indictment and later superseding indictment in the District of Nevada of Plaintiff BUNDY, his sons and other defendants, was assigned for prosecution to Judge Gloria Navarro.

22. Defendant NAVARRO was recommended for appointment to the federal bench by Defendant HARRY REID and then nominated by Defendant OBAMA.

23. Navarro’s history as contained in documents she submitted in support of her confirmation, a United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, show that she previously attended and graduated law school at Arizona State University in Maricopa County, Arizona, the county where Sheriff Joe Arpaio is the sheriff.

24. Arpaio has filed litigation through Larry Klayman of Freedom Watch challenging Defendant Obama’s executive orders granting in effect amnesty to over 5 million illegal aliens most of whom are of Latina-Mexican origin.

25. The issue of the legality of these executive orders is now before the U.S. Supreme Court, where Arpaio, through Klayman, has also filed an amicus curiae brief.

26. Defendant NAVARRO, before becoming confirmed as a federal judge, from 2005 to 2007, was the vice-president of the Latino Bar Association and from 2009 to 2010 was its president. She is a Latino activist and a Mexican-American.

27. Sheriff Arpaio has been unfairly branded as racist against Latinos, in an unjustified reaction to his stands against illegal immigration and support and endorsement of Presidential Candidate Donald Trump who says that if elected he will force Mexico to pay for a wall to keep out illegal Latino and other immigrants from crossing over into the United States.

28. It is widely known that Klayman is Arpaio’s lawyer, as this has been widely reported in the media both domestically and internationally, and he too by virtue of his representation of Arpaio has been falsely accused of being anti-Latino and anti-Mexican, even though he proudly represented the Latino Republicans of Arizona in litigation of SB-1070, which was a state immigration bill that resulted in litigation all the way to the U.S. Supreme Court and was intended to allow law enforcement to more easily take action against illegal immigrants in Maricopa County and elsewhere in Arizona.

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29. Sheriff Arpaio, Klayman’s client, supported SB-1070.

30. Importantly, in the United States Senate Committee on the Judiciary Questionnaire for Judicial Nominees, Defendant NAVARRO also stated with regard to “Potential Conflicts of Interest” that “My husband is a Chief Deputy District Attorney for Clark County. Although he does not practice in federal court, individuals who he has prosecuted or may in the future prosecute may be or become party or petitioner in a federal court case. If I am confirmed as a judge, I expect to recuse from any case where my husband has prosecuted a party or petitioner.” Defendant Navarro concluded by stating “If confirmed as a judge, I will handle all matters involving actual or potential conflicts of interest.” As set forth above Defendant HARRY REID, acting in concert with the other Defendants, laid the case before the Clark County Sheriff, who joined a task force intended to investigate and prosecute Plaintiff BUNDY and his family. Any such prosecution would be conducted by the Clark County District Attorney, with whom Defendant NAVARRO’S husband is a Chief Deputy. Moreover, the Bundy sons and others prepared and filed criminal complaints against the agents which assaulted and harmed their property and persons, and these criminal complaints, filed with the Sheriff of Clark Country, were on information and belief. They were then, through various means, on information and belief, brought to the attention of and forwarded to the District Attorney of Clark County. Contrary to the representations she made to the Senate Judiciary Committee during her confirmation process, Defendant NAVARRO has not recused herself.

31. Following the arrest and indictment of Plaintiff BUNDY, in order to telegraph to and instruct Defendant NAVARRO regarding his desire not to see Bundy released from prison, DEFENDANT HARRY REID, made public statements that Bundy was a domestic terrorist, such that Defendants HARRY and RORY REID had publicly published in the Las Vegas Review Journal and other media what in effect was a directive instructing Defendant NAVARRO on how to proceed against Defendant BUNDY and to poison any jury pool at trial.

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1 32. The actions and words of Reid spurred the following article by JEFF GERMAN in the
2 LAS VEGAS REVIEW-JOURNAL:²

3 “With the ‘outrageous lawbreaker’ Cliven Bundy and four of his sons in custody,
4 U.S. Sen. Harry Reid of Nevada took to the Senate floor Thursday to renew his
5 push to preserve the scenic Gold Butte area northeast of Las Vegas.

6 Reid proposed a congressional bill in 2013 to create a national conservation area
7 at Gold Butte, a region of rugged mountains, sandstone ridges and Native
8 American petroglyphs.

9 But the bill has stalled, and the Democratic leader in his Senate speech accused
10 the defiant Bundy family of blocking daily efforts by federal officers to protect
11 the land.

12 “Because of trouble caused by the Bundys and their pals, the federal employees
13 tasked with safely guarding these antiquities, were prevented from doing their
14 jobs,” he said. “These employees have been under constant physical and mental
15 threat for doing what the American people have tasked them to do

16 The senator still has hopes that President Barack Obama will preserve Gold
17 Butte, something he has the power to do under the law. Obama has made such
18 declarations in the past to protect federal land in Nevada.

19 Reid also called attention in his speech to the armed takeover of a government
20 wildlife refuge in Oregon earlier this year “by a dangerous group of militants”
21 that included Bundy family members.

22 “This particular episode of domestic terrorism has roots in Nevada, I’m sorry to
23 say,” Reid told his colleagues. “They were led by the sons of Cliven Bundy.
24 Cliven who, as we speak, is where he should be — in jail.”

25 Reid said the Bundy patriarch has been “breaking federal laws for decades,”
26 adding, “I’m disappointed that some of my colleagues supported this outrageous
27 lawbreaker.”

28 Bundy is in federal custody facing 16 felony charges stemming from the April
12, 2014, armed standoff with law enforcement near his Bunkerville ranch,
which is part of the Gold Butte area.

In court papers earlier this week, his defense lawyer, Joel Hansen, called Bundy
a political prisoner — like the late South African president and civil rights

² Accessible at: <http://www.reviewjournal.com/news/las-vegas/harry-reid-attacks-bundys-senate-floor-calls-gold-butte-protection>

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activist Nelson Mandela — who is being punished for exercising his First Amendment rights.

“Harry Reid’s comments just serve to prove that Cliven and his sons and the rest of the cowboys who came there (Bunkerville) to help are political prisoners,” Hansen said Thursday. “Now we have one of the most powerful men in America, Harry Reid, saying that they ought to be in prison.

“Is Harry Reid the judge in this case or is he trying to improperly influence and poison the jury pool so that they will follow his opinion when they get to the jury box?”

Bundy, 69, and 18 other people, including four of his sons, were charged in a federal indictment in Las Vegas last month in connection with the 2014 Bunkerville showdown.

All 19 defendants have been ordered held without bail as dangers to the community.

The defendants are alleged to have participated in a “massive armed assault” on Bureau of Land Management officers trying to round up Bundy cattle being grazed illegally on federal land.

Jeff German, Reid Attacks Bundys on Senate Floor, calls for Gold Butte Protection, Las Vegas Review-Journal, April 7, 2016.

33. Seeing these comments in the media published in the Las Vegas Review-Journal, which also publishes daily legal notices and which all judges and their staff read, Defendant NAVARRO, reacting to the public statements of her benefactors Defendants HARRY REID and OBAMA, has set out to abridge and harm the constitutional rights of Defendant BUNDY by refusing, without factual or legal bases, to grant *pro hac vice* status to out of state attorney Larry Klayman, knowing that Defendant Bundy was involved in what the Department of Justice called a complicated case and that Defendant Bundy sought a speedy trial as provided by the Sixth Amendment to the Constitution and 18 U.S.C. §§ 3161 through 3174.

34. By coming up with factually and legally incorrect grounds not to grant Klayman *pro hac vice* status, as set forth with greater specificity below, Defendant NAVARRO denied Plaintiff BUNDY his Sixth Amendment right of counsel and caused BUNDY at one point to consider but not agree to

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1 forfeiting his speedy trial rights, (any such agreement he has now rescinded) because he lacks resources
2 to pay his legal fees and needs more than one attorney to represent him, as local counsel Joel Hansen
3 needs Klayman's expertise and human resources to augment his own, because he cannot prepare for
4 and go to trial with only one lawyer. This is particularly true given the underlying history and facts
5 inherent to this prosecution, given what the Justice Department has deemed a huge amount of discovery
6 to turn over and that needs to be reviewed and analyzed by defense counsel. Importantly, Klayman is
7 an experienced U.S. Department of Justice prosecutor and he is needed on the trial team.
8

9 35. Moreover, Defendant NAVARRO and her Magistrate Judge have not permitted
10 Defendant BUNDY to be released from prison on bail, on the principal bogus grounds that he is a
11 threat to society and dangerous, as broadcast by Defendant HARRY REID, who instructed Defendant
12 NAVARRO that Bundy is a domestic terrorist³ and must be put away in prison for life.

13 36. To make matters worse, Defendant NAVARRO and her Magistrate Judge, despite their
14 false and misleading denials that they have nothing to do with this, have kept Defendant BUNDY in
15 solitary confinement, which constitutes cruel and unusual punishment under the Eighth Amendment to
16 the Constitution, since Bundy has done nothing to merit being held in solitary confinement.
17

18 37. On information and belief, Defendant NAVARRO undertook to violate Defendant
19 BUNDY'S constitutional rights not just because she was led to do so by Defendant HARRY REID and
20 Defendant OBAMA, who proposed and nominated her to the federal bench, but also to curry favor with
21 the likelihood of a Democrat administration under the presidency of Hillary Clinton, from whom she
22 likely hopes to procure a higher judicial or other appointment.
23

24 38. As a Latina Democrat woman, Defendant Navarro understood that she would be high on
25 the list for a higher judicial or other appointment if she aided and abetted, as the sitting judge, in having
26 Defendant BUNDY denied right of counsel of Klayman, as Klayman has been a strong public advocate
27

28

³ Comparing Cliven Bundy to a terrorist is about as accurate as comparing Peter Pan to Adolph Hitler.

1 in exposing and taking legal actions to address and remedy the rank corruption of Bill and Hillary
2 Clinton. See www.freedomwatchusa.org.

3 39. Indeed, as founder of Judicial Watch, Klayman is the only lawyer ever to have a judge
4 rule, the Honorable Royce C. Lamberth, that a president committed a crime.

5 40. That president, Bill Clinton, was the husband of Hillary Clinton, Secretary of State in
6 the Obama administration.

7 41. Klayman as a public advocate has also taken legal actions to seek redress against the
8 corruption of Defendant HARRY REID, who views Klayman as an enemy, as he does others who
9 challenge his unbridled corruption.
10

11 42. The facts of Defendant NAVARRO’S unethical and unconstitutional conduct are
12 supported by the dishonesty of her orders denying Klayman timely *pro hac vice* entry to defend
13 Defendant BUNDY. In her first order of March 31, 2016, she misrepresented that the District of
14 Columbia Board of Professional Responsibility had already ruled against Larry Klayman in a 10 year old
15 proceeding that the nation’s premier ethics legal expert, Ronald Rotunda, has found to be meritless. To
16 the contrary, she falsely accused Klayman of making false representations when indeed she was the pot
17 calling the kettle black. This was done to harm Klayman and his reputation and to try to justify the
18 denial of Klayman’s initial *pro hac vice* application and to justify her denial of Defendant Cliven
19 Bundy’s constitutionally guaranteed right to the counsel of his choice. To this date, as set forth below,
20 Defendant NAVARRO has not corrected this unethical smear against Klayman, done to further the
21 interests of her benefactors Defendants HARRY REID and OBAMA, as well as satisfy her own
22 prejudices against Klayman and Bundy. Not coincidentally, Klayman has also sued Defendant
23 OBAMA on several occasions and succeeded in perhaps the biggest loss for any administration in
24 American history when Klayman twice enjoined OBAMA’s National Security Agency from
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1 unconstitutionally accessing the telephonic metadata of hundred of millions of American citizens
2 without probable cause. *Klayman v. Obama et al.*, 13-cv-00851.

3 43. Then, after Defendant NAVARRO denied Klayman’s *pro hac vice* application without
4 cause, particularly given the extremely low Supreme Court standard in favor of granting such
5 applications in criminal cases where there is a Sixth Amendment right to counsel, and disingenuously
6 asked for more information about the District of Columbia disciplinary proceeding, and Klayman
7 provided it, showing that the matter had not ever been decided and was in progress and would not be
8 finally decided for years, given District of Columbia procedures for reaching a final decision and
9 rights of appeal, Defendant NAVARRO dishonestly and cleverly held that she would only consider
10 granting *pro hac vice* after the proceeding ends in a favorable way to Klayman. This completely
11 dishonest ruling would mean that Klayman would only be granted *pro hac vice* entry after Defendant
12 Bundy has been tried and perhaps convicted, and sentenced to life imprisonment in solitary
13 confinement as a “domestic terrorist” and “anti-Negro racist” as telegraphed and directed to Defendant
14 NAVARRO by both Defendants HARRY REID and OBAMA.

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17 44. Importantly, even the Department of Justice attorneys prosecuting the case against
18 Defendant BUNDY did not oppose *pro hac vice* entry and filed no such pleading – knowing that it is
19 unconstitutional and illegal to deny *pro hac vice* entry in a criminal case. Klayman has been a member
20 in good standing of the District of Columbia Bar for over 34 years and has not been disciplined or
21 suspended for even one day.

22
23 45. In short, Defendant NAVARRO has shown her true intentions and bias and prejudice,
24 rising to the level of denying Sixth Amendment right of counsel and to a speedy trial to Plaintiff
25 BUNDY, following the “marching orders” of her benefactors Defendant HARRY REID and OBAMA.

26
27 46. As a result, Defendant NAVARRO, acting in concert with the other Defendants, has
28 now also abridged and violated Plaintiff BUNDY’S constitutional rights to a speedy trial by setting the

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1 trial, against the legal position of Plaintiff BUNDY, to commence on February 6, 2017, about one year
2 after Plaintiff BUNDY was indicted. During this period, since Defendant NAVARRO, acting in
3 concert with the other Defendants, given her denial of pre-trial release and bail, will continue to keep
4 Plaintiff BUNDY incarcerated in solitary confinement as a form of cruel and unusual punishment.

5 **COUNT ONE – CONSPIRACY TO VIOLATE AND VIOLATION OF DEFENDANT’S**
6 **SIXTH AMENDMENT RIGHTS**

7 47. Plaintiff BUNDY realleges and reincorporates the facts set forth in paragraph 1 through
8 50, as set forth above.

9 48. Defendants, acting in concert, each and every one of them, acted and conspired to
10 violate the Sixth Amendment constitutional rights of Plaintiff BUNDY by denying him right of counsel
11 and right to speedy trial.

12 **COUNT TWO – VIOLATION OF EIGHTH AMENDMENT**

13 49. Plaintiff BUNDY realleges and reincorporates the facts set forth in paragraph 1 through
14 54, as set forth above.

15 50. Defendants, each and every one of them, acted and conspired to abridge and violate the
16 Eight Amendment rights of Plaintiff BUNDY by having him incarcerated indefinitely in solitary
17 confinement for what will be at least one year, since his indictment and trial is set for February 6, 2017,
18 not considering any appeals.

19 **COUNT THREE – CONSPIRACY TO VIOLATE AND VIOLATION OF BUNDY’S**
20 **FIRST AMENDMENT RIGHTS**

21 51. Plaintiff BUNDY realleges and reincorporates the facts set forth in paragraph 1 through
22 56, as set forth above.

23 52. Defendants, and each and every one of them, have conspired together to violate Cliven
24 Bundy’s God given constitutionally guaranteed rights of freedom of religion, freedom of speech,
25 freedom of the press, and freedom to peaceably assemble and petition the government for redress of
26 grievances.
27
28

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1 53. Defendants, acting in concert, have carried out this conspiracy through the acts
2 mentioned in the complaint above.

3 **COUNT FOUR – CONSPIRACY TO VIOLATE AND VIOLATION OF BUNDY’S**
4 **SECOND AMENDMENT RIGHT TO KEEP AND BEAR ARMS**

5 54. Plaintiff BUNDY realleges and reincorporates the facts set forth in paragraph 1 through
6 59, as set forth above.

7 55. Defendants, and each and every one of them, have conspired together to violate Plaintiff
8 BUNDY’S Second Amendment guaranteed right to keep and bear arms in conjunction with his First
9 Amendment rights to Peaceably Assemble and to Petition the Government for Redress of Grievances.

10 56. Defendants have carried out this conspiracy as set forth in the Complaint, above.

11 **COUNT FIVE – INTENTIONAL AND NEGLIGENT DEFAMATION AND**
12 **DEFAMATION PER SE BY DEFENDANTS HARRY REID, RORY REID, AND**
13 **KRISTEN ORTHMAN**

14 57. Plaintiff BUNDY realleges and reincorporates the allegations in paragraphs 1
15 through 58, as set forth above.

16 58. Shortly after the hearing before Defendant NAVARRO on the appeal of the detention
17 order keeping Defendant BUNDY incarcerated in prison in solitary confinement, Defendant KRISTEN
18 ORTHMAN acting individually and in concert and conspiracy with Defendants HARRY and RORY
19 REID, published the below statement to the media and in particular Associated Press, outside of the
20 chambers of the U.S. Senate. This statement is not subject to immunity and is false and misleading and
21 was made on or about May 10, 2016, as widely reported by the Associated Press, and was published
22 into this district and in nearly every major media outlet throughout Nevada and the 50 states of the
23 United States and abroad. Ken Ritter, “Bundy Sues Judge in Nevada Standoff Case, Wants Her
24 Removed,” (Associated Press, May 10, 2016). Again labeling Defendant BUNDY as a “domestic
25 terrorist,” “(i)n a statement, Reid spokesperson Kristen Orthman repeated the ‘domestic terrorist’
26 label. Bundy, his sons and their believers have endangered the lives of federal officers, have defaced
27
28

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1 and damaged public lands and squandered public resources for their own benefit. They are deadly and
2 dangerous and will be brought to justice.” Id.

3 59. This false and misleading statement, which was made by or on behalf the Defendants
4 HARRY and RORY REID and KRISTEN ORTHMAN, acting in concert, was negligent, intentional
5 and/or was malicious and/or was made with actual malice, and was calculated to cause severe harm to
6 Plaintiff BUNDY in his person and his trade and profession as a rancher and land owner, to lower
7 Plaintiff BUNDY in the estimation of his community, and to hold him up to contempt. This non-
8 privileged false and misleading statement which calls Defendant BUNDY and his sons “domestic
9 terrorists” and says that they committed crimes, among other false and misleading publications, thus
10 constitutes defamation per se and was not just negligent, but was intentional and malicious. These
11 false and misleading non-privileged statements were intended and designed to again instruct and/or
12 cause Defendant NAVARRO to continue to deny constitutional rights to Plaintiff and to insure that he
13 is convicted when the case goes to trial, and that he is sentenced to life imprisonment in continued
14 solitary confinement.
15

16
17 60. Serious harm and damages have thus been caused by this false and misleading statement
18 to Plaintiff BUNDY by these Defendants, acting in concert, in conspiracy, and jointly and severally.

19 **COUNT VI – FALSE LIGHT BY DEFENDANTS HARRY AND RORY REID**
20 **AND KRISTEN ORTHMAN**

21 61. Plaintiff BUNDY realleges and reincorporate paragraphs 1 through 63, as if alleged
22 herein.

23 62. By publishing the false and misleading non-privileged statement set forth in the
24 preceding count at paragraph 65, Defendants HARRY and RORY REID and KRISTEN ORTHMAN,
25 acting in concert, negligently and/or intentionally and/or maliciously with actual malice,

26 placed Plaintiff BUNDY before the public in a false light, this false light was highly offensive
27 to a reasonable person, and these Defendants, each and every one of them, had knowledge of or acted
28

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1 in reckless disregard as the false and/or misleading nature of the publicized statement and the false light
2 in which Plaintiff BUNDY would be placed.

3 63. These acts of false light by these Defendants, each and every one of them, acting in
4 concert and in conspiracy, jointly and severally, caused serve harm and damage to Plaintiff BUNDY.

5 **PRAYER FOR DAMAGES AND OTHER RELIEF**

6 1. Plaintiff BUNDY hereby sues for compensatory and punitive damages in excess of
7 \$90,000,000 for the illegal, unconstitutional, intentional and malicious acts of the Defendants, and each
8 and every one of them, jointly and severally, and seeks an order by this honorable court quashing his
9 indictment and releasing him on his own recognizance from solitary confinement and from prison.

10 2. Plaintiff BUNDY hereby sues for damages for negligent and/or intentional defamation,
11 defamation per se, and false light.

12 3. Plaintiff BUNDY hereby sues for an order removing and recusing Judge Navarro as the
13 Judge in his criminal case.

14 4. Plaintiff BUNDY hereby sues for an order allowing counsel of his choice, Larry
15 Klayman, to be allowed *pro hac vice* status in Nevada federal court for the purpose of defending
16 BUNDY in the criminal case.
17
18

19 **JURY DEMAND BY PLAINTIFF**

20 Plaintiff Cliven Bundy hereby demands a jury for the trial of this case.

21 DATED this 24th day of May, 2016.

22 Respectfully submitted,

23 BY: /s/ Joel F. Hansen
24 JOEL F. HANSEN, ESQ.
25 Nevada Bar # 1876
26 1835 Village Center Circle
27 Las Vegas, NV 89134
28 *Attorney for Cliven Bundy*

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