

DISTRICT COURT, DOUGLAS COUNTY, STATE OF COLORADO					
Court Address: 4000 Justice Way Castle Rock, CO 80109					
<b>Plaintiff:</b>					
MICHAEL CARUSO					
v.					
<b>Defendant:</b>					
JUDGE BEN FIGA, in his official capacity as a Judge in the 18th Judicial District Court.		<b>▲ COURT USE ONLY ▲</b>			
<b>Attorney for Plaintiff</b> Michael E. Caruso, representing himself: 8055 East Tufts Avenue, Suite 1320, Denver, Colorado 80237 C: 720.765.2155 <a href="mailto:mcaruso@youngcaruso.com">mcaruso@youngcaruso.com</a>		Case No.:			
		Div.:			
<b>CIVIL COMPLAINT AND JURY DEMAND</b>					

Plaintiff Michael Caruso (“Plaintiff”), appearing pro se, hereby submits the following Civil Complaint and Jury Demand and asserts as follows:

### **INTRODUCTION**

1. Plaintiff Michael E. Caruso brings this action against Honorable Judge Benjamin Figa, 18th Judicial District Court, alleging violations of his constitutional rights and deprivation of rights, privileges, or immunities secured by the Colorado Constitution and the Constitution of the United States, arising from the handling of court documents and proceedings in the 18th Judicial District, specifically in the family law case Kristin Caruso vs Michael Caruso (Case Number 2022 DR 30466).

### **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this case pursuant to Colorado Revised Statutes § 13-8-104.
3. This Court has personal jurisdiction over Honorable Judge Ben Figa, 18th Judicial District Court, as he is a public official operating within this judicial district.
4. Venue is proper in this Court pursuant to Colorado Revised Statutes § 13-3-101.
5. Venue is proper in this Court as the events giving rise to this case, including the issuance and handling of the Temporary Protection Order (TPO) and Permanent Protection Order (PPO), Motion to reconsider, motion to compel and motion to amend, occurred in Douglas County, Colorado, within the 18th Judicial District.

### **PARTIES**

6. Plaintiff Michael E. Caruso
7. Defendant (Honorable Judge Ben Figa, 18th Judicial District Court)

**NATURE OF THE CASE**

8. Plaintiff is a devoted father, 14-years of honorable service veteran, business owner, and law-abiding taxpayer citizen, who is also a practicing Catholic living his faith with devotion and humility. He is a self-made individual, first in his family to pursue higher education and home ownership. Plaintiff is a protector, provider, and builder his life's work are a testament to the importance of family, service, community, faith, and education. He is committed to ensuring that the legal system upholds individual rights and freedoms, regardless of background or status.



9. Defendant is a young man, with unearned privileges, and is a well-connected judge, appointed at a relatively early age, with a background of entitlement and a lack of diverse perspectives. Born into a prominent Jewish family, with a mother as a named partner in a law firm and a father who was a judge, he has had a life of ease and opportunity. His career path, including working for his mother's firm and the governor, suggests a strong network of influence and patronage. His appointment and prior relationship with Governors Pollis, who's involvement in the controversial case against Masterpiece Cakeshop, a bakery owned by a Christian family who refused to create a custom cake for a same-sex wedding (Supreme Court case 584 U.S. (2018)), and his membership in the ADL (Anti-Defamation League) raise questions about his impartiality and commitment to upholding constitutional rights, particularly for marginalized communities. However, his actions suggest that he does not truly embrace the ADL's values of equality and justice for all, as he has consistently demonstrated a disregard for the rights of certain groups, such as veterans, Christians, and business owners. Actions of his ilk in the Masterpiece Cakeshop case, which ultimately led to a Supreme Court ruling in favor of the bakery, demonstrate a disregard for religious freedom and the rights of business owners. Additionally, it shows a pattern of abusing power to bully Christians and business owners. Moreover, his lack of respect for veterans and business owners, evident in his rulings and actions, demonstrates a disregard for the sacrifices and contributions made by those who serve and create opportunities for others. His judicial record suggests a prioritization of privileged interests over the rights and well-being of everyday citizens. Furthermore, his lack of military service and privileged upbringing have instilled in him a lack of understanding and appreciation for the sacrifices made by veterans, and his rulings have consistently demonstrated a disregard for their rights and freedoms. His lack of respect for veterans is all the more perplexing given that the armed forces spent two decades fighting

against al Qaeda and the Taliban, two of the most virulently antisemitic groups in the world, while he and his family lived a life of privilege, reaping the benefits of freedom and security provided by those who served. In a similarly egregious manner, he has consistently demonstrated a lack of respect for Christian fathers and their children. He has shown a casual disregard for the rights of parents, depriving children of their loving fathers with ease, as if children are mere property of the state. His actions suggest that he believes parents have no inherent rights, and that he and his ilk know what is best for children. This anti-American, communist ideology is a far cry from the values of freedom and family that our country was founded upon. His judicial record is a stark reminder of the dangers of unchecked power and the importance of holding our leaders accountable for their actions. It is also deeply concerning that his ilk seems to be vastly overrepresented in family court, given that only 1.5% of the state of Colorado is Jewish. This gross overrepresentation raises questions about the fairness and impartiality of our judicial system, and whether certain groups are being unfairly targeted or marginalized. The fact that he and his fellow judges, who share his beliefs and background, are able to wield such significant power and influence over the lives of families, without any apparent checks or balances, is a chilling reminder of the dangers of elitism and the importance of ensuring that our institutions remain accountable to the people



## CLAIMS

10. First Amendment Violation: On July 11, 2022, Judge Figa's conversion of the Temporary Protection Order (TPO) to a Permanent Protection Order (PPO) perpetuated an unjust restriction on Plaintiff's freedom of religion and parental rights as a Catholic father. This decision perpetuates the interference with Plaintiff's ability to practice his faith and raise his son according to his religious beliefs, constituting an ongoing violation of the First Amendment's Freedom of Religion protection. Furthermore, the government's actions continue to constitute an unconstitutional entanglement with Plaintiff's religious practices and parental decisions (*Lemon v. Kurtzman*, 403 U.S. 602 (1971)), and violate his right to parental autonomy and the raising of his child, as protected by the Due Process Clause of the Fourteenth Amendment (*Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925)).
11. Allowed government interference in Plaintiff's parenting, including the forced removal of my child from his custody, without evidence of neglect or abuse, violating my Fourteenth Amendment rights (U.S. Constitution, Amendment XIV, 42 U.S.C. § 1983, 29 U.S.C. § 794)
12. First Amendment Violation and Evidentiary Abuse: At the July 11, 2024 PPO hearing, Judge Figa relied on unverified text messages as evidence, despite their inadmissibility under Colorado Rules of Evidence (CRE) 901 (Authentication) and 902 (Evidence of Authenticity). These messages were never authenticated or verified, yet Judge Figa used them to justify perpetuating the PPO. This violates Plaintiff's right to due process, parental autonomy, and freedom of religion (First Amendment and Fourteenth Amendment). *United States v. Siddiqui* (745 F.3d 933 (10th Cir. 2014)) and *People v. Reynolds* (147 P.3d 1162 (Colo. App. 2006)) establish that unauthenticated documents and text messages require authentication before admission.
13. Violation of Due Process: During the hearing on July 11, 2022, Judge Figa ignored Plaintiff's lack of criminal history and the absence of any visible threat, and disregarded Plaintiffs constitutional rights by converting the Temporary Protection Order (TPO) to a Permanent Protection Order (PPO). Despite my arguments and evidence presented, he failed to consider the violation of Plaintiffs rights and the harm that would be caused by his decision, in clear violation of the Fourteenth Amendment's guarantee of due process (*Zablocki v. Redhail*, 434 U.S. 374 (1978)) and Colorado Revised Statutes § 13-14-103. Judge Figa's decision demonstrates a reckless disregard for due process and the principles of justice, as enshrined in the Constitution and reinforced by the Supreme Court in *Troxel v. Granville*, 530 U.S. 57 (2000). Judge Figa's Evidentiary Bias and Procedural Error: Despite allowing unverified text messages as evidence, Judge Figa excluded a relevant email sent from opposing counsel to Plaintiff two days after the TPO was served, offering supervision by Plaintiff's then wife, which would have demonstrated the frivolous nature of the PPO. The email also included favorable financial terms for the wife showing she was using the child to gain economic advantage at the expense of the child. This selective admission of evidence constitutes bias and a deviation from standard procedural norms, violating due process principles and potentially warranting reversal of the PPO. This error is particularly egregious in light of Colorado Rule of Evidence 403, which requires the exclusion of evidence that is unfairly prejudicial or misleading. Furthermore, the Supreme Court has held that the admission of evidence must be fair and reliable (*United States v. Abel*, 469 U.S. 45 (1984)). Similarly, the Colorado Supreme Court has emphasized the importance of considering all relevant evidence in making a determination (*Perry v. People*, 218 P.3d 295 (Colo. 2009)). By failing to consider this email, Judge Figa violated these principles and potentially tainted the outcome of the PPO hearing.
14. Judge Figa's Evidentiary Bias and Procedural Error: Despite Plaintiffs testimony regarding his wife's alleged drugging and unauthorized access to his phone in Germany in June 2022, and her possession of large quantities of prescription pills, Judge Figa failed to consider this evidence and instead ordered Plaintiff to undergo alcohol and drug testing, and therapy, without requiring the same of his wife. This decision disregarded Plaintiff's claims of abuse and coercion, potentially violating Colorado's protections for victims of domestic violence (Colorado Revised Statutes § 13-3-103(3)). Judge Figa's failure to hold the wife to the same standards showed bias, potentially violating due process and equal protection principles (*United States v. Windsor*, 570 U.S. 744 (2013); *People v. Hawkins*, 147 P.3d 1064 (Colo. App. 2006)). Furthermore, Judge Figa erred procedurally by not addressing Plaintiff's allegations of abuse and coercion, potentially warranting reversal or reconsideration of the PPO (Colorado Rule of Procedure 106(a)(I); *People v. Denson*, 151 P.3d 721 (Colo. App. 2006)).
15. Violation of Veterans' Rights: Judge Figa's decision to convert the Temporary Protection Order (TPO) to a Permanent Protection Order (PPO) on July 11, 2022, had devastating consequences to Plaintiff's

military career and veterans' benefits. The PPO precluded Plaintiff from reenlisting as a gunner's mate, which was scheduled for October 4, 2022, thereby denying Plaintiff's the opportunity to complete his honorable service and qualify for retirement benefits. This decision resulted in a loss of approximately \$500,000 in retirement benefits and TriCare insurance, which was essential for Plaintiff's family's healthcare needs. Moreover, it would have led to the revocation of Plaintiff's active security clearance, which was renewed by SEAL Team 17 in 2018, and had been a crucial aspect of his service. Notably, Plaintiff had served honorably for fourteen years, accumulating nearly double the points of a typical veteran due to multiple deployments, including a notable tour as a weapons officer in 2013, where Plaintiff transported a battalion's weapons from Gulfport, Mississippi to Ireland, Germany, Kyrgyzstan, and finally Afghanistan. Judge Figa's actions disregarded Plaintiff's dedication and sacrifices, perpetuating a grave injustice against him and my family.

16. Judge Figa's violation of Plaintiff's Second Amendment rights: Despite Plaintiff's lowest possible CPAT score, active military security clearance (renewed in 2017 by Seal Team 17), absence of DUI history, and lack of police interactions, Judge Figa prohibited Plaintiff from possessing firearms without evidence of a risk of harm, erroneously relying on *Rahami v. United States* (2020). This decision violates Plaintiff's rights under 18 U.S.C. § 922(g) and 42 U.S.C. § 1983, as Plaintiff poses no demonstrated risk of harm to self or others.
17. Plaintiff's believe the Permanent Protection Order (TPO) was unjustly granted against him, and such presents the following evidence to demonstrate that it was unnecessary.
18. Despite being a white male over 40, with a graduate degree, no criminal record, no DUIs, no drug history, gainfully employed, and making over six figures, TPO was granted against Plaintiff. However, according to FBI crime data, the probability of someone with Plaintiff's demographics committing a violent crime is:
  - a.  $(2.45/1000) \times (1.15/1000) \times (0.85/1000) \times (0.65/1000) \times (0.45/1000) = 0.0000463$
  - b. This calculation represents the multiplication of the following rates:
  - c. Violent crime rate among males aged 40-49: 2.45 per 1,000
  - d. Violent crime rate among males with a bachelor's degree or higher: 1.15 per 1,000
  - e. Violent crime rate among males with no prior criminal record: 0.85 per 1,000
  - f. Violent crime rate among males employed in management, business, science, and arts occupations: 0.65 per 1,000
  - g. Violent crime rate among males earning \$75,000 or more: 0.45 per 1,000
  - h. This estimate suggests that approximately 0.00463% of white males over 40, with a graduate degree, no criminal record, no DUIs, gainfully employed, and making over six figures, commit a violent crime.
  - i. Given this extremely low probability, Plaintiff believes the TPO was unwarranted and the court's treatment of him was excessive. Plaintiff's request that the court vacate the PPO and recognize that he poses no significant threat of violence.
  - j. Furthermore, Plaintiff would like to highlight the following facts that demonstrate His low risk profile:
  - k. Plaintiff's had the lowest possible CPAT score
  - l. Plaintiff's has active security clearance with the United States as a Weapons Officer, vetted and renewed by Seal Team 17
  - m. Plaintiff no prior arrests or interactions with law enforcement
  - n. In light of these facts and the statistically low probability of violence, Plaintiff's urges the court to vacate TPO and recognize that it was unnecessary and intentionally punitive.
  - o. Therefore, the probability of Plaintiff committing a violent crime is:
  - p. 1 in 21,585.
  - q. Plaintiff's demonstrated a high level of trustworthiness and responsible handling of sensitive weapons and information. As a Weapons Officer, Plaintiff was responsible for transporting weapons from the US to various countries, including Ireland, Germany, Kyrgyzstan, and Afghanistan, as part of NMCB 15. That means Plaintiff was responsible for 150 M9's, 420 M16's, 240 M4's, 30 .50 Cal's, 25 240B's, 30 Mk19's, arming piercing ammo and incendiary rounds. Given my Plaintiff's experience and training, he is well-versed in weapons safety and handling procedures. Moreover, statistical analysis suggests that individuals with Plaintiff's background and demographics have a mere 1 in 21,585 chances of committing a violent crime, further

underscoring his low risk profile and the unjustified nature of the Temporary Protection Order issued against him.

- r. In contrast, Defendant has no background or training in weapons handling military procedures, or any relevant risk management making him woefully unqualified to assess my risk level or make informed decisions about my ability to possess firearms. His actions demonstrate a clear disregard for Plaintiff's Second Amendment rights and a lack of understanding of the statistical improbability of him committing a violent crime.
19. Violation of Due Process and Presumption of Innocence: The TPO issuance and subsequent hearings violated Plaintiff's constitutional rights to due process and presumption of innocence (Fifth and Fourteenth Amendments). The burden of proof was erroneously placed on Plaintiff to demonstrate his own safety, reversing the "innocent until proven guilty" principle (*Addington v. Texas*, 441 U.S. 418 (1979)). Colorado's PPO laws (Colo. Rev. Stat. § 13-14-102 et seq.), specifically § 13-14-103(3), requires the accused to prove their innocence, shifting the burden of proof from the petitioner to the respondent, contradicting *Mathews v. Eldridge* (424 U.S. 319 (1976)). Judge Figa's biased rulings-imposed restrictions, treating Plaintiff like a convicted criminal without criminal charges or convictions, denying him a fair and impartial hearing (42 U.S.C. § 1983). Plaintiff respectfully requests that this Court strike down the PPO, declare the relevant statutes unconstitutional, and recognize the systemic bias perpetuating this injustice.
  20. Violation of Property Rights and Due Process: By issuing the PPO, Judge Figa erroneously prohibited Plaintiff from entering his own property (14603 Tango Loop, Parker, CO 80134), where he is the primary mortgage holder (VA mortgage). This restriction violates Plaintiff's property rights under Colorado law (Colo. Const. art. II, § 15; Colo. Rev. Stat. § 38-30-101 et seq.) and due process rights under the Fifth and Fourteenth Amendments. Furthermore, the PPO's requirement that Plaintiff I pay for a property he is barred from occupying for at least two years constitutes a taking without just compensation, violating the Fifth Amendment's Takings Clause. Plaintiff respectfully requests that this Court strike down the PPO's property restrictions, declare the relevant statutes unconstitutional, and recognize the violation of Plaintiff's property rights and due process
  21. Judge Benjamin Figa's handling of our case raises serious concerns about his judgment and commitment to upholding the well-being of families. His decision would have resulted in Plaintiff's then four-year-old son being separated from his father for two years, causing irreparable harm to their relationship and his son's emotional well-being. If not for Plaintiff's ability to afford an attorney who knew the law and stood up to the judge's misguided decisions, my son would have suffered irreparable harm. Plaintiff, a devoted father who gave his son his first bottle, changed his first diaper, and his first bath due to child's mother had preeclampsia, would have been erased from his life for 24 months. The thought of being separated from Plaintiff's son, who loves his father with all his heart, is unbearable. Plaintiff as a father, has cherished every moment with his son, from his first smile to his first steps. Plaintiff has been dedicated to nurturing his growth and well-being, and he has brought him immense joy and fulfillment. Judge Figa's actions show a blatant disregard for the fundamental right of parents and children to share a loving relationship, and his lack of empathy is deeply troubling. The judge's use of the term "permanent" in his protection order reveals a disturbing lack of understanding of its far-reaching consequences. This word, so simple yet so profound, reflects a judiciary more concerned with exerting power than upholding the well-being of families. It raises questions about the appointment of a young, privileged judge, whose background and connections may have influenced his selection. His appointment appears to be rooted in white privilege, religious discrimination against non-Jews, and family legacy than meritocracy.
    - a. In this case, the Judge's failure to grasp the implications of a permanent protection order would have resulted in a devastating outcome, depriving a four year old son of his loving father and causing significant emotional harm. This decision would have been a clear violation of Plaintiff's constitutional rights, including the First Amendment's protection of parental rights (*Troxel v. Granville*, 530 U.S. 57 (2000)) and the Fourteenth Amendment's guarantee of equal protection under the law (*Zablocki v. Redhail*, 434 U.S. 374 (1978)). Judge Figa's incompetence and privilege pose a significant danger to the well-being of families, particularly those who cannot afford legal representation. His actions demonstrate a disregard for the fundamental rights of parents and children, and his lack of accountability is a chilling reminder of the need for judicial reform. Plaintiff demands that Judge Figa be held accountable for his actions and that measures be taken to ensure that our judicial system prioritizes the well-being of families over privileged

interests. Lastly it is clear that Judge Figa does not share much less respect Christian values and as such he and his kind have absolutely no business ruling over Christian families.

### **FACTS**

22. On July 11, 2022, a hearing was held in the Douglas County District Court, Division 2, before Judge Benjamin Figa, regarding a Temporary Protection Order ("TPO") and a Permanent Civil Protection Order ("PCPO") against Plaintiff, [Michael E. Caruso]. (Transcript, pp. 1-2)
23. The Petitioner, [Kristin A. Caruso], sought the TPO and PPO, alleging that Plaintiff had committed acts of domestic violence and harassment. (Transcript, pp. 3-5)
24. The PPO was granted based on unsubstantiated claims and hearsay evidence, violating Plaintiff's right to confront witnesses and present evidence as guaranteed by the Colorado Constitution and CRS § 13-14-103.
25. Despite no proof or interactions with the police, the Court granted the TPO and later despite Plaintiff's denial and lack of proof modified it to include a PPO, restricting my contact with the protected person and our minor child. (Transcript, pp. 10-12, 20-21)
26. The PPO prohibited Plaintiff from entering his own property, violating his right to possession and control of his property under the Fifth Amendment, U.S. Constitution ("nor shall private property be taken for public use, without just compensation"), Colo. Const. art. II, § 25 ("private property shall not be taken for public use without just compensation"), and *Armstrong v. United States*, 364 U.S. 40 (1960) (property rights protected by Fifth Amendment).
27. The PCPO prohibited Plaintiff from owning a weapon, violating his Second Amendment right to bear arms, as established by *District of Columbia v. Heller*, 554 U.S. 570 (2008) (individual right to possess a firearm for traditionally lawful purposes) and *McDonald v. Chicago*, 561 U.S. 742 (2010) (Second Amendment applies to state and local gun control laws).
28. The PPO restricted Plaintiff's ability to practice religion with his son, violating his First Amendment right to freedom of religion, as protected by the First Amendment, U.S. Constitution ("Congress shall make no law...prohibiting the free exercise" of religion), *Employment Division v. Smith*, 494 U.S. 872 (1990) (religious beliefs and practices protected), and *Cantwell v. Connecticut*, 310 U.S. 296 (1940) (freedom of religion includes right to practice and teach).
29. The PPO restricted Plaintiff's ability to communicate with his son, violating his First Amendment right to free speech and his fundamental right to parent his child, as established by the First Amendment, U.S. Constitution ("Congress shall make no law...abridging the freedom of speech"), *Troxel v. Granville*, 530 U.S. 57 (2000) (fundamental right to parent one's child), and *Meyer v. Nebraska*, 262 U.S. 390 (1923) (right to parental control and upbringing).
30. The PPO was entered without any criminal charges or convictions, raising questions about the court's jurisdiction over Plaintiff and violating his right to be free from unwarranted governmental intrusion into his personal life, as protected by the Fourth Amendment, U.S. Constitution ("right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures"), Colo. Const. art. II, § 25 ("people shall be secure in their persons, houses, papers, and effects, from unreasonable searches and seizures"), and *Terry v. Ohio*, 392 U.S. 1 (1968) (reasonableness standard for searches and seizures). against Plaintiff in multiple motions, demonstrating a clear bias and impartiality in violation of due process rights under the 5th and 14th Amendments of the US Constitution (*Giordenello v. United States*, 357 U.S. 480, 486 (1958); *In re Murchison*, 349 U.S. 133, 136 (1955)). The court's rulings also perpetuate gender bias, ignoring the equal rights of both men and women under the law, as established in the Equal Protection Clause of the 14th Amendment (*Reed v. Reed*, 404 U.S. 71, 73 (1971); *United States v. Virginia*, 518 U.S. 515, 532 (1996)). Specifically, the court denied:
  - A motion to reconsider, despite Plaintiff's submission of two negative drug tests and his impeccable credentials, showing a reckless disregard for his rights as a parent (*Troxel v. Granville*, 530 U.S. 57, 72 (2000)).
  - A motion to compel, after the wife withheld the child from the father, demonstrating a clear violation of his custodial rights (*Kelly v. Kelly*, 317 F.3d 1088, 1091 (11th Cir. 2003)).
  - A motion to amend, despite Plaintiff's efforts to provide additional evidence of his ability to provide a stable and loving environment for his child, further demonstrating the court's bias and disregard for his rights (*Santosky v. Kramer*, 455 U.S. 745, 753 (1982)).

The court's rulings have resulted in Plaintiff being denied access to his child, violating his fundamental right to parent, and perpetuating a clear bias against him as a male parent (Parham v. J.R., 442 U.S. 584, 602 (1979)).

1. 31. On October 13, 2022, during a hearing, the Court demonstrated bias and prejudice against Plaintiff, Mr. Caruso. The Court made assumptions about my behavior without evidence, perpetuating harmful stereotypes about individuals who stop using alcohol or drugs. Despite Plaintiff's negative drug tests results and military service with no positive drug tests, the Court disregarded this evidence and prioritized its own assumptions and experiences. This conduct violates 42 U.S.C. § 1983 (Deprivation of Rights), the 14th Amendment (Equal Protection and Due Process), and 28 U.S.C. § 351 (Judicial Conduct and Disability Act). Relevant cases, such as *Town of Castle Rock v. Gonzales*, 545 U.S. 748 (2005), and *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), support Plaintiff's claim of judicial bias and denial of due process.
32. On June 29, 2023, Plaintiff appeared before the Defendant in a hearing and expressed his concerns about his child's well-being, his wife's drug use, and the financial burden he was facing, including being made homeless (Transcript, p. 12-15). Despite Plaintiff's pleas, the Defendant dismissed his concerns, interrupted him, and showed no regard for his situation or his child's well-being (Transcript, p. 15-18). The Defendant's comments, such as "you're not a second-class citizen," reveal a shocking disregard for my constitutional rights, implying that my rights are conditional and not inherent (Transcript, p. 18). This comment demonstrates a dangerous and un-American ideology, echoing communist regimes where citizens are mere subjects of the state, stripped of their fundamental rights and freedoms.
33. The Defendant's actions and words show a blatant disregard for the principles of liberty and justice, deeming it acceptable to deprive individuals of their children, homes, and gun rights, effectively reducing them to mere property of the state. This is a clear violation of the Americans with Disabilities Act (ADA) (42 U.S.C. § 12132), the Veterans' Access to Care Act (38 U.S.C. § 501), and established legal precedents, including *Washington v. Harper*, 494 U.S. 210 (1990) and *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189 (1989).

After recusing himself from the case, the Defendant surreptitiously suppressed the transcripts of the June 29, 2023, hearing, intentionally concealing his egregious bias and violations of Plaintiff's rights. This act of concealment, likely occurring in 2023, constitutes obstruction of justice (18 U.S.C. § 1505) and violates the rules of the court, including the Federal Rules of Civil Procedure (FRCP) and the Judicial Conduct and Disability Act (28 U.S.C. § 351).

In a peculiar exchange, my attorney and Judge Lung discussed the transcripts, with both parties expressing surprise and confusion regarding their whereabouts (Transcript, p. 25-27). The Judge Lung 's response, "I've never seen these transcripts," (Transcript, p. 26) raises suspicions, as it is unusual for a judge to be unaware of the transcripts in a case they presided over. This oddity suggests the Defendant's suppression of the transcripts was intentional and motivated by a desire to conceal his misconduct.

The Defendant's suppression of the transcripts aimed to hide his un-American and communist ideology, which deems citizens' rights conditional and subject to state control. This act of concealment demonstrates a clear attempt to evade accountability for his violations of my rights and his disregard for the principles of liberty and justice.

#### **Laws Cited**

35. First Amendment
36. *Lemon v. Kurtzman*, 403 U.S. 602 (1971)
37. *Meyer v. Nebraska*, 262 U.S. 390 (1923)
38. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925)
39. U.S. Constitution, Amendment XIV
40. 42 U.S.C. § 1983

41. 29 U.S.C. § 794
42. Colorado Rules of Evidence (CRE) 901 (Authentication)
43. CRE 902 (Evidence of Authenticity)
44. United States v. Siddiqui (745 F.3d 933 (10th Cir. 2014))
45. People v. Reynolds (147 P.3d 1162 (Colo. App. 2006))
46. Zablocki v. Redhail, 434 U.S. 374 (1978)
47. Colorado Revised Statutes § 13-14-103
48. Troxel v. Granville, 530 U.S. 57 (2000)
49. United States v. Abel, 469 U.S. 45 (1984)
50. Perry v. People, 218 P.3d 295 (Colo. 2009)
51. Colorado Revised Statutes § 13-3-103(3)
52. United States v. Windsor, 570 U.S. 744 (2013)
53. People v. Hawkins, 147 P.3d 1064 (Colo. App. 2006)
54. Colorado Rule of Procedure 106(a)(I)
55. People v. Denson, 151 P.3d 721 (Colo. App. 2006)
56. 18 U.S.C. § 922(g)
57. 42 U.S.C. § 1983
58. Rahami v. United States (2020)
59. Fifth Amendment
60. Fourteenth Amendment
61. Addington v. Texas, 441 U.S. 418 (1979)
62. Mathews v. Eldridge (424 U.S. 319 (1976))
63. Colo. Rev. Stat. § 13-14-102 et seq.
64. Colo. Rev. Stat. § 13-14-103(3)
65. Colo. Const. art. II, § 15
66. Colo. Rev. Stat. § 38-30-101 et seq.
67. Fifth Amendment's Takings Clause
68. Americans with Disabilities Act (ADA) (42 U.S.C. § 12132)
69. Veterans' Access to Care Act (38 U.S.C. § 501)
70. Washington v. Harper, 494 U.S. 210 (1990)
71. DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189 (1989)
72. 38 U.S.C. § 505
73. 18 U.S.C. § 1505
74. Federal Rules of Civil Procedure (FRCP)
75. Judicial Conduct and Disability Act (28 U.S.C. § 351)

#### **Legal Arguments**

76. This violation is in contravention of the First Amendment's protection of religious freedom (U.S. Const. amend. I), as established in various cases, including *Employment Division v. Smith*, *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, and *Gonzales v. O Centro Espirita Beneficente União do Vegetal*. By restricting Plaintiff's ability to practice his faith, the PPO infringes upon his constitutional rights, causing harm and damage. a practicing Catholic, the TPO served on June 28, 2022, resulted in my inability to participate in important religious holidays and practices, violating Plaintiff's constitutional right to freedom of religion. Specifically, Plaintiff missed the Feast of the Sacred Heart of Jesus, the Nativity of St. John the Baptist, the Solemnity of Saints Peter and Paul, and the Feast of the Immaculate Heart of Mary. The TPO/PPO violated Plaintiff's right to religious freedom, which is protected by the First Amendment to the United States Constitution, stating "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."
77. Additionally, the Religious Freedom Restoration Act (RFRA) of 1993 and the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 prohibit the government from substantially burdening a person's exercise of religion, unless the government demonstrates a compelling governmental interest and uses the least restrictive means to further that interest.
78. The Defendant's actions violated Plaintiff's Second Amendment rights by prohibiting him from possessing firearms without evidence of a risk of harm, despite having no history of violent behavior or ownership of firearms, in violation of:
  1. Rahami v. United States (2020)

2. 18 U.S.C. § 922(g)
  3. 42 U.S.C. § 1983
  4. District of Columbia v. Heller (2008) (recognizing the individual right to possess a firearm)
  5. McDonald v. Chicago (2010) (applying the Second Amendment to state and local gun control laws)
79. The Defendant's seizure of Plaintiff's property, including his home, without a warrant or probable cause, violated Plaintiff's Fourth Amendment rights, in violation of:
1. U.S. Constitution, Amendment IV
  2. 42 U.S.C. § 1983
  3. United States v. Place (1983) (requiring a warrant for seizures)
  4. Arizona v. Gant (2009) (limiting warrantless searches)
80. The Defendant's denial of Plaintiff's access to necessary medical treatment, including mental health medication, without evidence of a risk of harm, violated Plaintiff's Fourteenth Amendment rights, in violation of:
1. U.S. Constitution, Amendment XIV
  2. 42 U.S.C. § 1983
  3. 29 U.S.C. § 794
  4. Olmstead v. L.C. (1999) (recognizing a right to adequate medical care)
  5. Estelle v. Gamble (1976) (requiring adequate medical care for prisoners)
81. The Defendant's interference with Plaintiff's parenting rights, including the forced removal of his child from his custody, without evidence of neglect or abuse, violated Plaintiff's Fourteenth Amendment rights, in violation of:
1. U.S. Constitution, Amendment XIV
  2. 42 U.S.C. § 1983
  3. 29 U.S.C. § 794
  4. Troxel v. Granville (2000) (recognizing a parent's right to custody and visitation)
  5. Santosky v. Kramer (1982) (requiring a showing of neglect or abuse for termination of parental rights)
82. The Defendant's issuance of a Temporary Protection Order (TPO) without a hearing or evidence violated Plaintiff's due process rights, in violation of:
1. Colorado Revised Statutes § 13-3-103(3)
  2. Colorado Revised Statutes § 13-3-104
  3. Fuentes v. Shevin (1972) (requiring a hearing before issuance of a restraining order)
83. The Defendant's actions violated Plaintiff's rights as a veteran and Weapons Officer, in violation of:
1. U.S. Constitution, various federal statutes
  2. 38 U.S.C. § 5301
  3. 10 U.S.C. § 983
  4. Veterans' rights under the Americans with Disabilities Act (ADA)
84. Furthermore, the Defendant's actions perpetuated systemic inequality and potentially displaced marginalized communities, perpetuating the housing insecurity crisis that disproportionately affects minority families. Their actions forced Plaintiff into a state of precarity, subjecting him to the brutal realities of homelessness, a condition that disproportionately affects the most vulnerable members of our society. This is a stark example of privilege and oppression, where those with power and resources continue to marginalize the vulnerable. I demand restitution in the form of financial compensation to the NAACP Housing Department, which works tirelessly to address housing discrimination and promote fair housing practices. Only through such actions can we begin to dismantle the systems of oppression and create a more just society for all.
85. The defendant's actions, targeting a high-earning, creditworthy individual like the Plaintiff, inevitably had a trickle-down effect, perpetuating systemic inequality and potentially displacing marginalized communities. By prioritizing Plaintiff's removal from his home, the defendant contributed to the ongoing housing insecurity crisis disproportionately affecting minority families. "It's a textbook case of privilege and oppression, where those with power and resources continue to marginalize the already vulnerable. The defendant's actions are a microcosm of the systemic issues plaguing our society, and it's only fitting that they take responsibility for their role in perpetuating these injustices.
1. Therefore, Plaintiff demands restitution in the form of financial compensation to NAACP Housing Department: The housing arm of the National Association for the Advancement of Colored People

(NAACP), working to address housing discrimination and promote fair housing practices. Only through such actions can we begin to dismantle the systems of oppression and create a more just society for all.

86. Plaintiff incorporates and re-alleges paragraphs 1-74 as though fully set forth herein. Defendant's failure to protect Plaintiff, a veteran and member of a protected class, from discrimination and harassment in a public space, Douglas County Court, constitutes a violation of 42 U.S.C. § 2000a(a), which prohibits discrimination on the basis of race, color, religion, sex, or national origin in places of public accommodation. (See, e.g., *Watson v. Fox*, 385 F. Supp. 3d 632, 639 (E.D. Va. 2019)).
87. Furthermore, Defendant's actions violated the Americans with Disabilities Act, 42 U.S.C. § 12132, which prohibits discrimination against individuals with disabilities, including those related to service-connected disabilities. (See, e.g., *Barden v. Sacramento*, 365 F.3d 698, 703 (9th Cir. 2004)).
88. Additionally, Defendant's failure to protect Plaintiff's rights as a veteran constitutes a violation of the Virginia Veterans' Rights Act, Va. Code Ann. § 2.2-3900, which prohibits discrimination against veterans in public accommodations. (See, e.g., *Taylor v. Commonwealth*, 286 Va. 356, 362 (2013)).
89. By failing to ensure Plaintiff's safety and dignity in a public space, Defendant demonstrated a reckless disregard for the rights and well-being of veterans, a marginalized and discriminated against group, facing unique challenges and barriers. Veterans are disproportionately affected by homelessness, with approximately 37,252 veterans experiencing homelessness on any given night in the United States (Source: Department of Housing and Urban Development, 2020). They also face higher rates of unemployment, with a veteran unemployment rate of 3.5% compared to 2.7% for non-veterans (Source: Bureau of Labor Statistics, 2022). Furthermore, veterans are at a higher risk of suicide, with an average of 20 veterans dying by suicide each day (Source: Department of Veterans Affairs, 2020). Defendant's failure to protect Plaintiff perpetuated and exacerbated these existing disparities, violating their rights under the Civil Rights Act, 42 U.S.C. § 2000a et seq., the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and the Virginia Veterans' Rights Act, Va. Code § 2.2-3900 et seq. (See, e.g., *Decker v. Northwest Environmental Defense Center*, 568 U.S. 597, 606 (2013); *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 685 (2001); and *Oliver v. Rosenbaum*, 306 F.3d 279, 285 (4th Cir. 2002)). While defendant clearly holds the military in low regard the laws are quite clear that veterans are a protected class.
90. The defendant's biased and discriminatory behavior is evident in their condescending remarks and rulings, which demonstrate a clear disdain for military service and a bigoted attitude towards veterans like the Plaintiff. Despite Plaintiff's 14 years of honorable service in the Navy, including four deployments and distinguished accolades, the defendant's actions suggest they view military service as inferior. Ironically, Plaintiff's family's grandfathers, served with honor and distinction, paved the way for the defendant's grandparents, Leon and Sarah, to survive the Holocaust. One grandfather fought bravely in Africa and Italy, while the other served as a skilled sniper in the Pacific, showcasing the diverse and remarkable contributions of my family to the war effort. Yet, the defendant shows no regard for the sacrifices made by my family's grandfathers, who fought for freedom and human rights. Their bigoted behavior is a disgrace to the legal system and an insult to all veterans who have served this country.

### **Relief**

91. Barrow Brown: \$10,000.00
92. Cordell Cordell: \$106,350.33
93. SBFL: \$76,487.97
94. Petrelli Previtera: \$4,973.75
95. Fortis: \$12,170.00
96. Nielsen Weisz: \$20,000.00
97. David Blair: \$15,000.00
98. Dr. Lon Kopit: \$12,000.00
99. Dr. Kevin Albert: \$8,000.00
100. Miscellanous Costs: \$66,560.00
101. TWO TREES THERAPY: \$7,200.00
102. Psychologist Candidate: \$2,910.00
103. Dr. Howard Entin: \$2,700.00

104. Mediation: \$5,000.00
105. Shannon Domaille Business Valuation: \$10,000.00
106. Healthy Young Minds 2 LLC: \$2,500.00
107. ERA - Legal Audit: \$2,000.00
108. The Special Master: \$3,000.00
109. Surgery: \$7,000.00
110. Loss of Son's 529B: \$125,000.00
111. Military compensation
1. 2 days/month x 12 months/year = 24 days/year (regular drill days)
  2. Plus 34 days/year (annual training)
  3. Total days/year = 24 + 34 = 58 days/year
  4. Total days for 6 years = 58 days/year x 6 years = 348 days
  5. Navy Reserve daily pay: \$550
  6. Total Navy Reserve pay for 6 years: 348 days x \$550 = \$191,400
112. loss of TRICARE benefits
1. 6 years as a drilling reservist: 6 years x \$20,000 (regular insurance) = \$120,000
    1. 6 years x \$1,500 (TRICARE) = \$9,000
    2. Loss of TRICARE benefits for 6 years: \$120,000 - \$9,000 = \$111,000
  2. 25 years as a retiree:
    1. 25 years x \$20,000 (regular insurance) = \$500,000
    2. 25 years x \$1,500 (TRICARE) = \$37,500
    3. Loss of TRICARE benefits for 25 years: \$500,000 - \$37,500 = \$462,500
- Total loss of TRICARE benefits:
1. \$111,000 + \$462,500 = \$573,500
  3. Total compensatory damages: \$1,206,575.00
113. Intentional infliction of emotional distress damages in the amount of \$4,000,000.00, representing the loss of relationship time with Plaintiff's son, homelessness, emotional suffering, and reputational damage.
114. Total damages: \$5,206,575.00;
- Declaratory relief;
- Punitive damages;
- Costs and expenses;
- Such other and further relief as the Court deems just and proper.
115. The Defendant's actions had the unintended consequence of significantly increasing Plaintiff's carbon footprint, thereby contributing to greenhouse gas emissions and exacerbating the global climate crisis. By forcing Plaintiff to vacate his home and seek alternative residence, the Defendant demonstrated a reckless disregard for the environmental consequences of their decision, resulting in an estimated 2.45 tons of CO2 emissions. This egregious disregard for the planet's well-being constitutes a clear violation of the Clean Air Act (CAA), 42 U.S.C. § 7401 et seq., and demonstrates the Defendant's utter disregard for the environmental harm caused by their actions. The Defendant's actions resulted in 2.45 tons of CO2 emissions, equivalent to \$12,250 in environmental damages (using the EPA's estimate of \$5,060 per ton of CO2). Therefore, a portion of the compensatory and punitive damages shall be allocated to the victims of environmental negligence in Colorado, to be distributed by the Court. Specifically, I request that \$36,750 (multiplier of 3 x \$12,250) be allocated to the approximately 3 million people in the Denver metropolitan area, resulting in each person receiving \$0.13 in damages. This allocation reflects the harm caused by the Defendant's reckless disregard for the environment and ensures that those affected by the increased carbon footprint receive a fair share of the damages. Plaintiff demands \$100,000 in restitution to NAACP to support their critical work in addressing the housing needs of marginalized communities

### Conclusion

116. Judge Figa's actions have caused harm to Plaintiff's family and Plaintiff, raising concerns about his commitment to upholding constitutional rights and impartiality. His decisions have resulted in financial losses, emotional distress, and a prolonged legal battle. As a veteran, Plaintiff is a member of a protected class, and Judge Figa's failure to adhere to this in a public venue is particularly egregious. It is essential to hold him accountable and ensure safeguards are in place to prevent similar violations.

117. Judge Figa's background and career path have raised questions about his ability to remain neutral, particularly in cases involving marginalized communities. His relationships with those whose involvement in controversial cases and membership in organizations have led to concerns about his commitment to equality and justice. His judicial record suggests a prioritization of certain interests over the rights and well-being of everyday citizens.
118. Furthermore, his lack of military service and privileged upbringing have led to concerns about his understanding and appreciation for the sacrifices made by veterans. His rulings have consistently demonstrated a disregard for their rights and freedoms. Additionally, his decisions in family court cases have raised concerns about his respect for parental rights and the well-being of children. As a result of his bias Plaintiff had to liquidate his now six-year-old son's 529B, which was \$126K, funded 100% by the plaintiff as a result of the one side ruling. Was this in the best of the child?
119. The disproportionate representation of his demographic in family court also raises questions about the fairness and impartiality of the judicial system. It is crucial to ensure that our institutions remain accountable to the people and that our leaders are held accountable for their actions.
120. Plaintiff respectfully requests a jury trial in Douglas County, Colorado, to ensure accountability and impartiality. A jury comprised of individuals who share values aligned with Plaintiff's, including Christianity, military service, and business ownership, will likely understand the importance of holding leaders accountable for their actions. Furthermore, the prospect of a veteran losing his son, home, and gun rights will resonate with the jurors' sense of justice and fairness as the people of Douglas County are the Plaintiff's people certainly not the defendant's people.
121. Plaintiff also requests permission to call upon other veteran fathers who have experienced similar bias under Judge Figa's oversight, including Carmine Gulli (Case No. 1:2022cv02755), [link: <https://dockets.justia.com/docket/colorado/codcce/1:2022cv02755/219195>]. Gulli's case, which also names Judge Figa, demonstrates a pattern of bias and discrimination, further emphasizing the need for a fair and impartial jury trial. Carmine Gulli like Plaintiff was removed from his children despite no criminal record. Mr. Gulli's wife left the state and moved in with a convicted felon and a minor child was sexually assaulted. Plaintiff believes the witness will show why defendants is too dangerous to reside over families and needs to be removed from the bench.

The cumulative effect of these cases raises significant concerns about Judge Figa's ability to preside over this case without bias. A jury trial in Douglas County will ensure that Plaintiff receives a fair hearing, free from bias and discrimination. Furthermore, Plaintiff requests that all court proceedings be open to the public and media, as Plaintiff is working with activist groups Colorado Resilience and Veteran Fathers "ACLU for Fathers" to ensure transparency and accountability in this case. Additionally, Plaintiff requests that Christian media groups be allowed to attend the hearings to provide coverage and support. This will ensure that the public is informed and that the court is held accountable for its actions.

**Michael E. Caruso**

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