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US DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

DEFEND OUR FREEDOMS
FOUNDATION,
Plaintiff,

vs.

SENATOR CHUCK SCHUMER IN
HIS CAPACITY AS THE SENATE
MAJORITY LEADER, VICE
PRESIDENT KAMALA HARRIS IN
HER CAPACITY OF THE
PRESIDENT OF THE SENATE,
Defendants

) Case No.: [8:21-cv-00120](#)

) DEFEND OUR FREEDOMS
) FOUNDATION V SENATOR CHUCK
) SCHUMER AND VICE PRESIDENT
) KAMALA HARRIS

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF TO
VACATE AN UNCONSTITUTIONAL IMPEACHMENT AND REMOVAL
FROM OFFICE SENATE TRIAL OF PRIVATE CITIZEN DONALD
TRUMP, WHO NO LONGER HOLDS FEDERAL OFFICE**

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JURISDICTION

This case brought under 28 USC 1331, Federal Question

PARTIES

Plaintiff, Defend Our Freedoms Foundation (Hereinafter "DOFF") is a California Foundation. Multiple members of the foundation are among nearly 75 million Americans, roughly half of the US voters, who voted for Donald Trump for President in 2020 and intend to vote for him in 2024, and they argue that a senate trial for removal from office of Donald Trump after he already left office, is moot, unconstitutional and utterly void of any legal basis, and aimed at depriving his voters, members of the DOFF foundation, of their first amendment right to vote for him and have him elected in 2024 or at any other time in the future.

Defendants are Senator Chuck Schumer (Hereinafter "Schumer") who is sued in his capacity as the Senate Majority Leader and Vice President Kamala Harris (Hereinafter "Harris") who is sued in her capacity as the President of the Senate.

Both Schumer and Harris are in charge of the unconstitutional trial of private citizen Donald Trump to remove him from the position of the US President after he already left the position of the US President

ALLEGATIONS OF THE COMPLAINT

1 Forty Fifth President of the United States, Donald Trump, ended his presidency at
2 12:00 Noon on 01.20.2021. Joe Biden has been sworn in as the Forty Sixth
3 President of the United States.
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5 US Senate is currently seeking to try Donald Trump, a private individual, who is
6 no longer in office.
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8 The US Constitution gives the US Senate the right to conduct a trial in only one
9 instance, under Article 2, Section 4 of the US Constitution, which states: "The
10 President, Vice President and all civil Officers of the United States, **shall be**
11 **removed from Office on Impeachment** for, and Conviction of, Treason, Bribery,
12 or other high Crimes and Misdemeanors." (emphasis added).
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15 The plain language of the US constitution allows the US Senate to conduct trial of
16 **a sitting president,** not a private individual, and gives it only one remedy,
17 removal from office. It does not give the US Senate a constitutional right to try a
18 private individual who is no longer in office. A planned trial is unconstitutional
19 and with no legal basis. This trial, based on admissions of the Senate majority
20 leader, is planned to prevent Donald Trump from running for office again
21 [https://www.reuters.com/article/us-usa-trump-impeachment-schumer/schumer-](https://www.reuters.com/article/us-usa-trump-impeachment-schumer/schumer-says-senate-could-vote-on-barring-trump-from-running-for-office-again-idUSKBN29I33P)
22 [says-senate-could-vote-on-barring-trump-from-running-for-office-again-](https://www.reuters.com/article/us-usa-trump-impeachment-schumer/schumer-says-senate-could-vote-on-barring-trump-from-running-for-office-again-idUSKBN29I33P)
23 [idUSKBN29I33P](https://www.reuters.com/article/us-usa-trump-impeachment-schumer/schumer-says-senate-could-vote-on-barring-trump-from-running-for-office-again-idUSKBN29I33P). Such unconstitutional and illegal actions by the Senate will
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28 deprive the members of the Defend Our Freedoms Foundation of their

1 Constitutional First Amendment right for the political speech, namely, to vote for
2 Donald Trump in future elections.

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6 **PRAYER FOR RELIEF**

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8 **WHEREFORE**, the undersigned counsel respectfully requests this Honorable
9 Court to grant:

10 1. Declaratory relief stating that according to Article 2 Section 4 of the US
11 constitution, the Senate Impeachment Trial allows the senate to ONLY remove the
12 President or other official from office, it does not give the senate the right to try an
13 individual who is no longer in office. Individuals not in office can only be tried by
14 federal or state prosecutors, if they committed any crimes.

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17 2. Injunctive relief- for this court to order the defendants to vacate the trial of
18 Donald Trump in the senate, as Mr. Trump is no longer in office and the senate has
19 no jurisdiction and no legal or constitutional right to try him
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24 Dated this 01.20.2021 1pm EST

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