

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION

FILED

2010 APR -8 P 1:43

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY \_\_\_\_\_ DEPT. CLERK

ANTHONY SHREEVE

Plaintiff,

v.

CIVIL ACTION NO:

1:10-cv-71

Collier / Carter

BARACK OBAMA, in his official capacity as  
President of the United States;  
HARRY REID, in his official capacity as  
Majority Leader of the Senate  
NANCY PELOSI, in her official capacity as  
Speaker of the US House of Representatives; and  
THE UNITED STATES OF AMERICA,

Defendants

**COMPLAINT**

**Introduction**

This is a Complaint seeking declaratory, injunctive, and monetary relief for violations of the United States Constitution and breach of duty.

**Jurisdiction and Venue**

1. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1346, and 1361.  
The Court has authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.
2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1402.

### **Parties**

3. Plaintiff Anthony Shreeve is a United States citizen and an adult resident of Jefferson County Tennessee.
4. Defendant Barack Obama is an individual currently holding the office of the President of the United States.
5. Defendant Harry Reid is an individual currently holding the office of the Majority Leader of the US Senate.
6. Defendant Nancy Pelosi is an individual currently holding the office of the Speaker of the US House of Representatives.
7. Defendant United States of America (hereinafter "US") is a political entity formed by and under the Constitution of the United States. Said Defendant was created for the sole purpose of serving the individual States and the people.

### **Facts**

8. The purpose of the U.S. Constitution is to grant specific and limited powers to the Federal Government.
9. The powers granted to the Federal Government are limited by the Constitution in order to protect individual States and individual citizens from abuse of power by the Federal Government.

10. The 10<sup>th</sup> Amendment to the Constitution explicitly establishes that the Federal Government has no authority to perform any particular act, unless the Constitution explicitly grants the Federal Government authority to so act.
11. The purpose of the 10<sup>th</sup> Amendment is to reiterate the overall purpose of the Constitution, and to emphasize the limitations placed upon the Federal Government's authority to act.
12. The individual states refused to ratify the Constitution until after the first ten amendments, the Bill of Rights, including the 10<sup>th</sup> Amendment, were included in the Constitution.
13. All rulings by any Federal Court that leave no appreciable limitations upon Congressional authority clearly destroy the central purpose of the Constitution. All such rulings, therefore, violate the most fundamental canon of legal interpretation. Specifically all precedent that interprets the Commerce clause or the General Welfare clause of the Constitution as granting Congress essentially unfettered authority to regulate all aspects of human interaction, effectively destroy the most important purpose of the Constitution. Such precedent has eroded the foundations of our Republic, and must be overturned.
14. Any law passed by the Federal Government that is not within the specific authority granted the Federal Government by the Constitution is null and void, and is unenforceable.
15. Citizens of the United States have no obligation to act in accordance with any law passed by the Federal Government that attempts to regulate matters not

within the scope of authority granted to the Federal Government by the Constitution.

16. Nothing in the Constitution grants the Federal Government authority to regulate healthcare.
17. The Patient Protection and Affordable Care Act (hereinafter “Obamacare”) is a Federal law that purports to regulate healthcare. Therefore, Obamacare in its entirety is unconstitutional and unenforceable.
18. On March 21, 2010 Defendant Pelosi presided over the House of Representatives passage of Obamacare. Defendant Pelosi also voted for Obamacare in her capacity as a Congressional Representative.
19. On December 24, 2009 Defendant Reid presided over the Senate’s passage of Obamacare. Defendant Reid also voted for Obamacare in his capacity as a Senator.
20. On March 23, 2010 Defendant Obama signed Obamacare in his capacity as President of the United States.
21. Defendants Obama, Reid, and Pelosi voluntarily took an oath to uphold and defend the Constitution of the United States as a prerequisite to taking the offices they now hold.
22. Defendants Obama, Reid, and Pelosi ignored the purpose of the Constitution and violated their oaths of office by supporting, voting for, and signing Obamacare.

## **FIRST CAUSE OF ACTION**

### **(Abuse of Authority)**

23. The actions of the Defendants, as set forth in paragraphs 1-20 above, which are fully incorporated herein, are not within the scope of authority granted to the Defendants by the people of the United States, through the U.S.

Constitution.

24. As a direct result of Defendant's abuse of authority, the Plaintiff has suffered direct and immediate violations of his Constitutional rights and is therefore entitled to injunctive relief, declaratory relief, and damages, pursuant to Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. § 2201; to redress and remedy of the violations, and to prevent irreparable harm and future violations of his rights and the rights of others.

## **SECOND CAUSE OF ACTION**

### **(Violation of 10<sup>th</sup> Amendment)**

25. The actions of the Defendants, as set forth in paragraphs 1-20 above, which are fully incorporated herein, violate the explicit limitations placed upon Defendants authority by the 10<sup>th</sup> Amendment to the U.S. Constitution.

26. As a direct result of Defendant's actions, the Plaintiff has suffered direct and immediate violations of his Constitutional rights and is therefore entitled to injunctive relief, declaratory relief, and damages, pursuant to Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. § 2201; and to redress and remedy of

the violations, and to prevent irreparable harm and future violations of his rights and the rights of others.

### **THIRD CAUSE OF ACTION**

#### **(Breach of Oath of Office)**

27. The actions of the Defendants, as set forth in paragraphs 1-20 above, which are fully incorporated herein, represent a breach of Defendants Obama's, Reid's, and Pelosi's duties contained within their oaths of office to protect and defend the U.S. Constitution.
28. As a direct result of Defendant's actions, the Plaintiff has suffered direct and immediate violations of his constitutional rights and is therefore entitled to injunctive relief, declaratory relief, and damages, pursuant to Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. § 2201; and to redress and remedy of the violations, and to prevent irreparable harm and future violations of his rights and the rights of others.

#### **Prayer and Relief**

WHEREFORE, the Plaintiff respectfully asks for judgment in his favor and against Defendants, including a declaration that the actions of Defendants, as described herein, were and are unconstitutional, illegal, and void, and that the same were in contravention of Plaintiff's constitutional rights; temporary and permanent injunctive relief; an order requiring the Defendants to halt enforcement of Obamacare; and damages

according to proof, expenses and costs associated with the maintenance of this action,  
and all such further relief as the Court may deem just and proper.

Dated: 4/8/10



Van R. Irion  
Law Office of Van R. Irion, PLLC  
9040 Executive Park Drive, Suite 223  
Knoxville, TN 37923