
UNITED STATES DISTRICT COURT

FOR THE
DISTRICT OF NEW MEXICO

Plaintiff

Edward Russell Fish

-v-

Defendants

Occupational Health & Safety Admin.;
New Mexico State University (N.M.S.U.),
Ammu Devasthali,
Dina Chacón-Reitzel,
Arsenio Romero,
Christopher T. Saucedo,
Neal Bitsie,
Mathew Madrid,
Julia Parra,
Joseph Almaguer,
Roy Collins III,
Lisa Warren,
Patrick Scott Field,
Mariah Ortiz,
Stela Heredia,
Demetria White,
John Floros,
Gena Jones,
Dan Arvizu,
James McAteer,
Jamey Eriksen.

Case No. 22-CV-150CG

Jury Trial: Yes No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

1 I. **The Parties to This Complaint**

2 A. **The Plaintiffs**

3 1. Edward Fish

4 B. **The Defendants**

5 1. **Federal:** Occupational Health and Safety Administration

6 2. **New Mexico State University:**

7 a. **Board of Regents:** Ammu Devasthali, Chair; Dina
8 Chacón-Reitzel, Vice Chair; Arsenio Romero,
9 Secretary/Treasurer; Christopher T. Saucedo, Regent; Neal
10 Bitsie, Regent; Mathew Madrid, ASNMSU President; Julia
11 Parra, Faculty Senate Chair; Joseph Almaguer, Employee
12 Council Chair;

13 b. **General Counsel Office:** Roy Collins III, General Counsel;
14 Lisa Warren, Associate General Counsel; Scott Field, Associate
15 General Counsel; Mariah Ortiz, Assistant General Counsel;
16 Stela Heredia, Legal and Executive Assistant; Demetria White,
17 Administrative Assistant Sr.;

18 c. **Other Administrative Agents:** John Floros, University
19 President; Gena Jones, Assistant Vice President (HR Svcs.);
20 Dan Arvizu, Chancellor; James McAteer, Department Head;
21 Jamey Eriksen, Supervisor.

22 II. **Basis for Jurisdiction**

23 Under 42 U.S.C. §1983, you may sue state or local officials for the “deprivation of
24 any rights, privileges, or immunities secured by the Constitution and [federal

25 laws].”

26 A. Are you bringing suit against:

27 Federal officials (a *Bivens* claim)

28 State or local officials (a §1983 claim)

29 B. What federal constitutional or statutory rights do you claim is/are being
30 violated by state or local officials?

31 The mask & [distancing](#) ([shunning](#)) [mandates](#) clearly violate the freedom of
32 association, and are a form of [social control](#), whether ETS, EO, or other. The
33 isolation of distancing and ‘quarantine’ is analogous to solitary-confinement; also,
34 imposing on Christian religious practice which commands visiting the sick.

35 The members of the Board of Regents of New Mexico State University are
36 State officials, as per the Act of Congress “[to enable the people of New Mexico to](#)
37 [form a constitution and state government\[...\]](#)” and the [Constitution of New Mexico](#),
38 Article XII, Section 13, subsection E says, in part: “*Members of the board shall not be*
39 *removed except for incompetence, **neglect of duty or malfeasance in office.***”

40 The “mandates” violate more than seven hundred years of jurisprudence,
41 from the Magna Carta to the 13TH and 14TH Amendments, pervasively imposing
42 “*deprivation of any rights, privileges, or immunities secured by the Constitution and*
43 *laws*” — thus we see the ancient and foundational precepts of our Jurisprudence
44 undermined by these mandates and also that the [federal] laws & our Constitution
45 secure these very rights, privileges, and immunities:

46 1. **US Constitution:** A4S2; A6P2; **Bill of Rights:** #1, #4, #5.

47 2. **Privileges and Immunities**, securing the Common Law, including:
48 [Articles of Confederation](#) (Art 4), [Magna Carta](#) (#14, #29), [English Bill](#)

49 [of Rights of 1688](#) ('Dispensing Power', 'Late dispensing Power', 'The
50 said Rights claimed; Tender of the Crown; Regal Power exercised;
51 Limitation of the Crown').

52 **18 USC §1964** allows district courts jurisdiction to prevent and restrain
53 violations of **18 USC §1962**, also allowing civil suits for treble damages therefrom.

54 **42 USC §1985** provides for recovery of damages against those conspiring the
55 deprivation "either directly or indirectly" of "equal protection of the laws" or "equal
56 privileges and immunities under the laws" and any act furthering such conspiracy.

57 Further, **28 USC §1331** places jurisdiction of civil cases arising under the
58 Constitution, laws, and/or treaties of the United States into the District Courts.

59 C. If you are suing under *Bivens*, what constitutional right(s) do you claim
60 is/are being violated by federal officials?

61 The Constitutional rights above are also at issue on the Federal level,
62 with such mandates as OSHA had attempted to impose violating:

63 1. **US Constitution:** A1S2C1, A1S7C1, A6P2; **Bill of Rights:** #1, #2, #4,
64 #5, #8, #9, #10; Privileges and Immunities as mentioned above.

65 D. **42 USC §1983** allows defendants to be found liable when they have acted "under color
66 of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the
67 District of Columbia" or "subjects, or causes to be subjected, any citizen of the United
68 States or other person within the jurisdiction thereof to the deprivation of any rights,
69 privileges, or immunities secured by the Constitution and laws". If suing under §1983,
70 explain how each defendant acted under color of state or local law; if under *Bivens*,
71 explain how each defendant acted under color of federal law.

72 The *Administrative Rules and Procedures* (ARP) are regulations

73 adopted under the authority of the Board of Regents, State officials
74 operating under the authority of the Constitution of the State, were
75 construed to impose obligation to the OSHA mandates —which were
76 stricken down in *National Federation of Independent Business v. OSHA*—
77 while the defendants (corporately and individually) were simultaneously
78 refusing to address [concerns raised on the lawfulness](#) of the State’s
79 [Executive Order mandates](#), which raised Constitutional issues germane to
80 OSHA’s mandates. Ironically, ARP ([Chapter 3](#)) imposes the obligation to act
81 both lawfully and ethically, while simultaneously being used by the
82 administrative staff operating under the Board of Regents to justify
83 termination of employment for non-compliance; effectively this manifested
84 in a conspiracy against rights: privacy, due process, prohibition of cruel &
85 unusual punishment, etc.

86 The [surgical](#) & other [face masks](#) are, themselves, under EUA for
87 prevention of COVID-19 ([despite being ineffective](#)) and, WRT travel, have
88 [been stricken down](#) as they “exceed the CDC’s statutory authority and
89 violates the procedures required for agency rulemaking under the
90 Administrative Procedures Act” and it is under these EUAs that OSHA
91 claimed its power to mandate via its ETSs.

92 Likewise, the CDC issued EUAs for the gene-therapy injections
93 (Pfizer, Moderna & Janssen) and subsequently [OSHA required their usage](#)
94 — all three of these are gene-therapies and therefore under the [ICCPR](#)
95 [treaty](#) cannot be made mandatory; moreover, in tandem with PCR testing
96 ([Fulgent](#), [OPTI](#), etc) —which employees are/were required to use even after

97 obtaining a religious or medical “exemption” from the gene-therapies—
98 thus the policies force usage of some product under EUA.

99 (NMSU’s interpretation of these “vaccine” requirements illustrates
100 bad-faith: it imposed upon employees and students the coercive,
101 demeaning, and arguably torturous testing —arguably itself punishment for
102 daring to assert such religious rights— while subordinating religious rights
103 to bureaucratic whims.)

104 What we see displayed is a conspiracy against rights: NMSU’s
105 administration (corporately and individually) in effect says “we have to
106 follow the direction of ~~the governor~~, OSHA, *whoever-makes-us-not-*
107 *accountable*” & OSHA will no doubt point to the CDC’s declaration of a
108 “national emergency” pandemic, while sweeping the repudiation of the
109 Supreme Court under the rug, likewise pretending to impotently wring their
110 hands because they had no choice — never-mind that the policies
111 themselves are illegal, or that they exceed authority granted — indeed, what
112 we see displayed here is an governmental fractal of pretended power &
113 evading accountability, designed with one object in mind: to subjugate the
114 people and deceptively effect abrogation of rights.

115 **III. Statement of Claim**

116 **A. Where did the events giving rise to your claim(s) occur?**

117 HHS-, CDC-, DOL-, OSHA-, NSO-, and NMSU-facilities, and my residence.

118 **B. What date and approx. time did the events giving rise to your claims occur?**

119 1. 04 Feb 2020,

120 pursuant to §564(b)(1)(C) of the *Federal Food, Drug, and Cosmetic Act* [FD&CA],

121 the Secretary of the Department of HHS determined that there is a public health
122 emergency that has a significant potential to affect national security or the health and
123 security of United States citizens living abroad, and that involves the virus that causes
124 Coronavirus Disease 2019 (COVID-19).

125 2. On 27 Mar 2020 —on the basis of such determination—,
126 the Secretary of HHS declared that circumstances exist justifying the authorization
127 of emergency use of drugs and biological products during the COVID-19 pandemic,
128 pursuant to Section 564 of the FD&CA ([21 U.S.C. 360bbb-3](#)), subject to terms of any
129 authorization issued under that section.

130 3. On 29 July 2021,
131 the Governor of New Mexico issued an EO mandating vaccination upon State
132 employees.

133 4. In the period of about 04-10 Aug 21,
134 I researched and compiled objection to the EO and its implementation; [these](#)
135 [objections](#) were submitted to NMSU administrators thereafter —between 11-13 August, if
136 memory serves— and these were written broadly enough to be applicable to the OSHA
137 mandates.

138 5. Between 08 Aug and 30 Sep 2021,
139 I repeatedly contacted NMSU administration, attempting to obtain succor from
140 the illegal orders/policies being imposed.

141 6. On 10 Aug 2021,
142 I started inquiry e-mails to the Office of the State Attorney General W.R.T. the
143 legal objections which NMSU administration was not addressing.

144 7. On 27 Sep 2021,

145 Dan Arvizu (NMSU Chancellor) sent an e-mail to all employees and all students
146 informing them of the requirement to “Become fully vaccinated against COVID-19” and
147 “upload your proof of vaccination”, with the caveat that “If you’re choosing to test weekly,
148 you should begin uploading your results after Sept. 30.” Also saying: “Employees who
149 need to request a medical or religious vaccine exemption should notify their supervisor
150 and contact the Office of Institutional Equity [...] If approved, documentation from the
151 appropriate office must be uploaded at VaxTrax.NMSU.edu. [...] employees and students
152 approved for a vaccination exemption must also adhere to the weekly testing protocol.”

153 **Note:** Inherent here is that a religious exemption is subject to approval, thereby
154 subordinating religious rights—which are protected from such by the U.S. Constitution’s
155 1ST Amendment & New Mexico’s Constitution (Art II, Sec 11) via the 9TH and 10TH
156 Amendment—to bureaucratic approval. (Also inherent is the assumption bureaucratic
157 apparatus judging medical matters.) This assumes the bureaucrat will comprehend
158 matters of religion, that it is qualified to adjudicate upon those matters with authority.

159 8. On 29 Sep 2021,

160 I responded to the e-mail described above, refusing to participate under the
161 protections offered by New Mexico Statutes—namely 10-16C-3. *Public employer*
162 *retaliatory action prohibited*. Subsection (C), which reads: “Objects to or refuses to
163 participate in an activity, policy or practice that constitutes an unlawful or improper
164 act.”— **Note:** I explicitly exempt violation of this law (10-16C-3) from claims, as the proper
165 jurisdiction is within the State’s own courts. It is included to be faithful in presenting the
166 sequence of events and illustrate the bad-faith wherein NMSU and its administration
167 were operating.

168 Also, I sent another rejection of the illegal policies, again citing 10-16C-3 as

169 protection; and citing 18 USC 241 & 242; again attaching the original objections.

170 9. On 13 Oct 21,

171 Human Resources informed me that I was in non-compliance with the policies and
172 that “As a condition of employment, all NMSU system employees are required to become
173 fully vaccinated against COVID-19 or complete weekly testing.”

174 This is plainly altering the employment contract, post hoc.

175 While the contract holds provisions for adherence to NMSU policy, it must be
176 noted such claims: (1) assume that the policy is lawful; (2) are equivalent to the
177 employment contract being unilaterally and arbitrarily alterable, via policy-change; (3)
178 fall apart in the face of the hypothetical situation wherein policy dictates entering the
179 office of an administrator is consent to sexual relations—and for precisely the same
180 reason that the “vaccine” mandates should fail: violation of bodily autonomy; (4)
181 pointedly, this e-mail is admission of conspiracy to deprive employees of rights.

182 10. On or about 22 Oct 21,

183 My employment was terminated for non-compliance with OSHA’s mandatory
184 “vaccine” standards. (**Note:** After my termination, [NMSU extended the ‘deadline’](#) for
185 vaccination in the face of protests; apparently publicly whining and crying has more
186 impact than trying to avail oneself of the proper channels.)

187 11. On 29 Oct 21,

188 I appealed the terminations as per the processes in NMSU’s ARP, this was held via
189 Zoom meeting, where cross-examination of witnesses was prohibited to the plaintiff.

190 12. On 01 Nov, a final determination issued, and the termination upheld.

191 13. On 18 Apr 22,

192 Further illustrating NMSU’s bad-faith conduct, Chancellor Dan Arvizu [sent a](#)

193 [memo](#) to all students declaring that an end to testing, but a continued requirement to be
194 vaccinated or obtain an “accepted” exemption.

195 **C. What are the facts underlying your claim(s)?**

196 **1. Emergency Use Authorization Cannot Be Made Involuntary**

197 The text of [21 USC §360bbb-3](#) establishes EUA, and is constructed so that the
198 right to refuse the product under EUA is intrinsic to the authorization itself. (See
199 subsection (e)(1)(A)(ii)(III).) — Masks (for mitigating coronavirus spread); the gene-therapy
200 injections (for prevention); and the PCR-tests (for detection) are all under EUA.

201 **2. The ‘Vaccines’ are Gene Therapy**

202 As [per the FDA](#): “Human gene therapy seeks to modify or manipulate the
203 expression of a gene or to alter the biological properties of living cells for therapeutic use.
204 Gene therapy is a technique that modifies a person’s genes to treat or cure disease. Gene
205 therapies can work by several mechanisms: ❶ Replacing a disease-causing gene with a
206 healthy copy of the gene; ❷ Inactivating a disease-causing gene that is not functioning
207 properly; ❸ Introducing a new or modified gene into the body to help treat a disease” —
208 furthermore NIH’s [National Library of Medicine’s MedlinePlus says](#) “*Gene therapy is an*
209 *experimental technique that uses genes to treat or prevent disease.*”

210 The products under [OSHA’s mandate](#) ([Pfizer](#), [Moderna](#) & [Janssen](#)) are gene-
211 therapies, which (as shown) the government recognizes as an experimental technology.

212 **3. Non-consensual Experimentation is a Treaty Violation**

213 The [ICCPR treaty](#), article 7, states: *No one shall be subjected to torture or to cruel,*
214 *inhuman or degrading treatment or punishment. In particular, no one shall be subjected*
215 *without his free consent to medical or scientific experimentation.*

216 **4. These Policies Violate Security of Records & Due-Process**

217 Implementing the policies of OSHA requires the collection of medical information,
218 records which are protected under the 4TH Amendment, operating in defiance of the
219 requirement that such searches/seized items must be authorized via warrant, and such
220 warrant must be supported by oath/affirmation particularly describing the thing.

221 The policies assume guilt, violating the 5TH Amendment; they force proof of
222 compliance with what is ultimately unlawful to prove innocence —presenting a *Morton’s*
223 *Fork* choice: “submit proof of vaccination or else show [negative] PCR tests”— forcing
224 submission to unlawful policies in either case.

225 The USSC [has already acknowledged](#) due-process & association as essential
226 components of liberty, and how deleterious curtailments on either are: “*It is beyond*
227 *debate that freedom to engage in association for the advancement of beliefs and ideas is an*
228 *inseparable aspect of the "liberty" assured by the Due Process Clause of the Fourteenth*
229 *Amendment, which embraces freedom of speech. [...] Of course, it is immaterial whether the*
230 *beliefs sought to be advanced by association pertain to political, economic, religious or*
231 *cultural matters, and state action which may have the effect of curtailing the freedom to*
232 *associate is subject to the closest scrutiny.*”

233 5. PCR Testing Is
234 Fraud

235 ❶ The ability to detect COVID-19
236 (via PCR test), was the predicate upon
237 which the declaration of pandemic rested;
238 this ability was represented as fact; ❷ it is
239 the data upon which the emergency
240 motivating the EUAs were issued, as well

- ❶ a representation of an existing fact;
- ❷ its materiality;
- ❸ its falsity;
- ❹ the speaker’s knowledge of its falsity;
- ❺ the speaker’s intent that it shall be acted upon by the plaintiff;
- ❻ plaintiff’s ignorance of its falsity;
- ❼ plaintiff’s reliance on the truth of the representation;
- ❽ plaintiff’s right to rely upon it; and
- ❾ consequent damages suffered by plaintiff.

Fig 1 — Elements Of Common Law Fraud

241 as being presented as an ‘alternative’ for “vaccination”, and is therefore material to the
 242 case; it is false, because PCR cannot detect infection **and/or** the rate of false-positives
 243 may be easily manipulated; ④ the CDC said in “[CDC 2019-Novel Coronavirus \(2019-nCoV\)](#)
 244 [Real-Time RT-PCR Diagnostic Panel](#)” on page 40 (41 of PDF) that “*Since no quantified*
 245 *virus isolates of the 2019-nCoV were available for CDC use at the time the test was*
 246 *developed* and this study conducted [...]” — ④ thus the knowledge of the PCR’s falsity is
 247 admitted; ⑤ the CDC’s issuance of the EUA shows intent that this falsity be acted on; at
 248 the time my employment was terminated, I was addressing the issue of vaccine-mandates,
 249 not testing, per-se and ⑥ thus had not researched into the details of testing, but ⑦ I had
 250 relied upon the data WRT NMSU and NSO policies, ⑧ the CDC’s publishing its data
 251 publicly asserts and confirms the public’s (and my own) right to rely upon the data and its
 252 accuracy in presentation, ⑨ the CDC’s data and EUAs were used to justify both OSHA’s
 253 and the governor’s mandates, ultimately resulting in termination of my employment.

254 Because fraud vitiates everything, even were the mandates a legitimate exercise of
 255 lawful authority and fully enacted on good faith, the mandates would thus be illegitimate.

256 **6. The OSHA Mandate Violates Prohibition of Excessive Fines**

257 The most-cited precedent
 258 WRT mandatory vaccination recently
 259 is *Jacobson v. Massachusetts*, however
 260 the issue in that case was the \$5 fine

$\$158^{41} \div \$7^{25}/\text{Hr} \approx 21.85 \text{ Hrs. (Time at min wage)}$ $21.85 \text{ Hrs.} \div 8 \text{ Hrs.} \approx 2.7 \text{ Days (To workdays)}$ $\$145,027 \div \$7^{25}/\text{Hr} \approx 20,004 \text{ Hrs. (OSHA fine)}$ $20,004 \text{ Hrs.} \div 8 \div 5 \div 52 \approx 9.62 \text{ Yrs. (In years)}$
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Fig 2 — Normalizing OSHA’s Fine for Violations

261 which, [adjusted for inflation](#), is \$158⁴¹ in today’s money; figure #2 illustrates that the fines
 262 for ‘willfully’ violating OSHA’s mandates —which an assertion that such mandates are
 263 unlawful must be— yields more than nine and a half years worth of work for a single
 264 instance... which fines were threatened against employers, coercing them to administer

265 the gene-therapies, which cannot lawfully be made compulsory... a clear violation of the
266 8TH Amendment.

267 7. Violation of Non-Enumerated, & Ancient Rights

268 The [Magna Carta](#) codifies the notion that fines and punishment must be
269 proportionate (Item #14), as well as denying arbitrary punishments such as ruining his
270 ability to live and curtailing his liberties without lawful judgement (Item #29) — the
271 application of OSHA’s mandates, conjoined with their pervasiveness, violates both.

272 The [English Bill of Rights of 1688](#) likewise prohibits (1) arbitrary suspension of law,
273 (2) arbitrary execution of law, and (3) the usage of these “*Declarations, Judgements,*
274 *Doings, or Proceedings to the Prejudice of the People*” — in other words, “The precedents
275 during lawlessness do not lawful precedent make.”

276 The 14TH Amendment affirms that no State shall “*deprive any person of life,*
277 *liberty, or property, without due process of law*” and affirms “*equal protection of the laws*”
278 to all persons within its jurisdiction, affirming the privileges and immunities of the
279 citizens of the States and forbidding enforcement of any law which would.

280 8. Violation of the 2ND Amendment & National Security

281 The 2ND Amendment associates the militia with the “security of a free State”, or as
282 we would say now “National Security”, and given the far-reaching applicability of the
283 OSHA mandates —“two-thirds of all workers”— overlaps with what [10 U.S.C. §246](#) defines
284 as the militia: “*all able-bodied males at least 17 years of age and [...] under 45 years of age [...] and of female citizens of the United States who are members of the National Guard.*” So we
285 see that any negative effects of the gene-therapy will apply to most of the militia... thus if
286 there is any mistake or malice, we are dooming our very defenders by introducing such a
287 single-point-of-failure and remove men from ‘able bodied’ and thus impair the ability to
288

289 defend ourselves. This danger is elucidated by [this paper](#): “Approving a vaccine, utilizing
290 novel RNA technology without extensive testing is extremely dangerous. **The vaccine**
291 **could be a bioweapon and even more dangerous than the original infection.**”

292 This is not an empty warning [this paper](#) shows “the immune response to the vaccine
293 is very different from that to a SARS-CoV-2 infection“, and it is possible these differences
294 may be targeted, used as triggers for some *other* bioweapon; additionally, we’ve already
295 [observed myocarditis increase](#).

296 9. Violation of the 1ST & 13TH Amendments

297 Our jurisprudence is based on the notion that one is accountable for their own
298 actions precisely because one’s body (with which one enacts their will) is under the
299 control of that person; this came philosophically from the notion that mankind is a moral
300 actor, accountable for his actions, and religiously by mankind being made in the image of
301 God: having freewill is necessary for any being to represent God upon the Earth.

302 Central to the mandates (albeit implicitly) is the question ‘Who owns your body?’
303 —There are several reasonable answers, each with implications: (1) the government, (2)
304 society, (3) the person themselves, or (4) the God Who Created the Person— the
305 mandates are predicated on an answer of #1 or #2, but the organic law of the United States
306 is predicated upon #4: “*all men are created equal, that they are endowed by their Creator*
307 *with certain unalienable Rights*”.

308 To hold that the government may require irreversible medical operations is to hold
309 that the government owns my body and may do with it as it wills: vaccination, forced-
310 breeding or -sterilization, etc — thus having power over the life, fortune, and liberty of
311 the people, the government becomes their slave-master, violating the 13TH Amendment.

312 Moreover, Christianity holds that the human body, [especially of the believer](#) is [the](#)

313 [Temple of God](#), and believers [are to glorify God with their body](#) as [spiritual worship](#); so, to
314 hold that a law may force gene-therapies —which alter the body at a fundamental level—
315 is to hold that the law may dictate the form of both the temple and worship, thereby
316 establishing religion — this is forbidden to Congress by the 1ST Amendment, and therefore
317 *cannot* be within the scope of any agency established by congress (to include OSHA).
318 WRT NMSU’s policies, it is forbidden by the State’s Constitution in [Art. II, Sec 11](#).

319 **10. Racketeer Influenced and Corrupt Organizations Applicability**

320 Racketeering activity is defined in **18 USC §1961**, including by reference **18 USC**
321 **§175–178**, which defines “biological agent” and “toxin” ([§178](#)) and ([§175](#)) prohibits
322 “development, production, stockpile, transfer, acquiring, retaining, or possession” — the
323 gene-therapies being a “biological agent” (arguably also “toxin”) should be prohibited
324 thereunder, especially since their advertised mode of operation was to ‘give instructions
325 to your cells to produce the spike protein’, thereby also turning the cell into a
326 manufacturing facility for the known-toxic spike-protein.

327 **11. Mutable Policies Undermine Contract Law, Ex Post Facto**

328 The application of new policies or alteration of extant policies to which a contract
329 is bound, even indirectly by reference, constitute an *ex post facto* alteration of the terms
330 of the contract. To hold this *always* legitimate would undermine the law itself: for what of
331 the case where pay is determined by external schedule? Reducing that to \$0⁰⁰/Hr would
332 be indirectly instituting slavery. What of the case where NDA prohibits disclosure of
333 activities? If such activities are illegal, is one bound by the contract to silence in aid of
334 such? —Let us dispense with the idea that an ‘unenforceable’ clause is to be encountered
335 routinely and is benign: the inclusion of such a clause in the contract has a purpose, else
336 why would it be included?— If contract-law may be held such that it retrospectively

337 grants authorities not present at the time of its becoming effective, this makes the servant
338 (contract) greater than the master (law).

339 Likewise, to hold that the rulemaking powers of executive agencies may have
340 punitive legal ramifications is to functionally delegate legislative powers to that agency, as
341 well as enabling it to enact *ex post facto* law: violating [A1S1](#) & [A1S9C3](#) of the Constitution.

342 12. **Gene-Therapy Raises Concerning Legal Questions**

343 The Supreme Court has ruled that [synthetic DNA & RNA is patentable](#) and natural
344 genes are not. Given it [is possible for RNA/mRNA to alter DNA](#), and [possible to make](#)
345 [these changes hereditary, even the mechanism to enact the gene-therapy](#) (gene-editing),
346 is it possible that these are being pushed in order to legally strip the people of “natural
347 rights” and “human rights”? For, if the courts hold the altered genetics as proof that the
348 person is legally no longer ‘natural’, then it must be held that the removal of the person
349 from legally a natural person must mean that the application of these gene-therapies are
350 the legal killing of that person: and thus must be legally regarded as murder or suicide.

351 But what of the children who inherit these altered genetics? What of the persons
352 coerced into these gene-therapies? And, let us ask, what if the gene-therapy were injected
353 without consent into someone vehemently opposed to it: would they have cause to bring
354 suit? or would the courts deny him justice forever, because he lacks the standing of a
355 natural man to bring such suit? — In short, these gene-therapies represent a black-hole of
356 unknown jurisprudence, and potential for grave injustice, which may be interpreted to
357 retrospectively strip them and their descendants of rights, forever, likely consigning them
358 to slavery.

359 13. **Existential, Jurisprudential Threat**

360 These mandates show a disregard for the law, a willingness to subject everyone to

361 arbitrary and capricious ‘rules’ and establish tyranny; as such, they present an existential
362 threat to the prestige and legitimacy of the court: for to allow them to continue would be
363 to endorse lawlessness, forsaking the lawful authority the Court enjoys, as [Justice Louis D.](#)
364 [Brandeis](#) wrote: “Decency, security and liberty alike demand that government officials shall
365 be subjected to the same rules of conduct that are commands to the citizen. In a
366 government of laws, existence of the government will be imperilled if it fails to observe the
367 law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for
368 ill, it teaches the whole people by its example. Crime is contagious. If the Government
369 becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto
370 himself; it invites anarchy. To declare that in the administration of the criminal law the end
371 justifies the means—to declare that the Government may commit crimes in order to secure
372 the conviction of a private criminal—would bring terrible retribution. Against that
373 pernicious doctrine this Court should resolutely set its face.”

374 In short, these policies are disgraceful and repugnant to the Constitution, our
375 common law, and our traditional rights, privileges and immunities; their implementation,
376 geared toward undermining the notion of the self-ownership of the body, imposing
377 unlawful requirements on the people by appealing to their own pretend authority, all
378 while attempting to dodge accountability show [“a history of repeated injuries and](#)
379 [usurpations, all having in direct object the establishment of an absolute Tyranny over](#)
380 [these States”](#) and destroying [“the ground of public confidence in the Government”](#).

381 IV. Injuries

382 If you sustained injuries related to the events alleged above, describe your injuries
383 and state what medical treatment, if any, you required and did or did not receive.

384 A. I’ve begun clenching my teeth in response to the blatant injustice and lack

385 of concern on doing justly by those in authority. I have not sought any
386 dental care as yet, due to the need to reduce spending due to the lack of
387 income.

388 **V. Relief**

389 State briefly what you want the court to do for you. Make no legal arguments. Do
390 not cite any cases. If requesting money damages, include the amounts of any actual
391 damages and/or punitive damages claimed for the acts alleged. Explain the basis for these
392 claims.

393 There is grievous damage here: from our ancient rights, to the Articles of
394 Confederation, to the Constitution & the Bill of Rights, all of which our
395 government is founded upon — thus the damage is not only to myself, but to
396 everyone living under such government — and how can such have a price? What is
397 the cost of Liberty?

398 While the plaintiff asserts that such are priceless, the infringement thereon
399 should bear painful results, so as to discourage further or future infringement, and
400 particularly painful to the persons enacting such infringement.

401 Leaving aside the criminal and felonious actions that these ‘policies’ both
402 supported and endorsed —because the plaintiff cannot place a dollar-price on the
403 “life and limb” of his fellow Citizen, nor should he gain from the demise of those
404 not kin— and because the Just and Proper punishment thereof is Death, which
405 insofar as the plaintiff knows is not achievable within a civil suit like this one.

406 **A. Occupational Safety & Health Administration**

407 Given the onerous and egregious nature of the administration, and
408 the utter desecration of our ancient Rights, the Bill of Rights, and our

409 Constitution, I believe that the proper remedy is the complete dissolution of
410 the Administration, with all employees barred from employment with any
411 federal or state government or any subdivision of either for not less than
412 two years; additionally:

- 413 1. \$10,000,000.⁰⁰ for the 1ST Amendment violations.
- 414 2. \$10,000,000.⁰⁰ for the 2ND Amendment violations.
- 415 3. \$20,000,000.⁰⁰ for the 4TH Amendment violations.
 - 416 a. Security of Person,
 - 417 b. Security of Papers.
- 418 4. \$30,000,000.⁰⁰ for the 5TH Amendment violations.
 - 419 a. Violation of Due Process by assuming guilt,
 - 420 b. Violation of Due Process by curtailing liberties w/o trial,
 - 421 c. Violation of Due Process by disallowing proper
422 defense/chance-of-acquittal.
- 423 5. \$20,000,000.⁰⁰ for the 8TH Amendment violations.
 - 424 a. The cruel and unusual punishment of the hardships imposed
425 upon those seeking new employment.
 - 426 b. The excessive fines.
- 427 6. \$60,000,000.⁰⁰ for the 9TH Amendment violations.
 - 428 a. Violating ancient jurisprudential rights;
 - 429 (1) *Magna Carta Item #14: "A freeman is not to be amerced*
430 *for a small offence save in accordance with the manner*
431 *of the offence, and for a major offence according to its*
432 *magnitude [...]"*

- 433 (2) Magna Carta Item #29 “No freeman is to be taken or
434 imprisoned or disseised¹ of his free tenement or of his
435 liberties or free customs, or outlawed or exiled or in any
436 way ruined, nor will we go against such a man or send
437 against him save by lawful judgement of his peers or by
438 the law of the land. To no-one will we sell or deny of
439 delay right or justice.”
- 440 (a) Disseised of liberties.
441 (b) Disseised of free customs.
442 (c) Ruination imposed.
- 443 b. Violation of the notion that contracts cannot be unilaterally
444 altered.
- 445 c. Violation that some contracts are invalid by the nature of the
446 contents thereof.
- 447 7. \$10,000,000.⁰⁰ for the 10TH Amendment violations.
448 8. \$10,000,000.⁰⁰ for the 13TH Amendment violations.
449 9. For a subtotal of **\$170,000,000.⁰⁰** for Bill of Rights violations.
450 10. \$5,000,000.⁰⁰ for 42 USC §1985 violations.
451 11. \$20,000,000.⁰⁰ for RICO violations, namely Biological Weapons.
452 12. \$10,000,000.⁰⁰ for the violation of 21 USC §360bbb-3.
453 13. For a grand total of **\$205,000,000.⁰⁰**

¹ — **DISSEIZED:** Put out of possession wrongfully or by force; deprived of actual possession.

<http://webstersdictionary1828.com/Dictionary/Disseized>

454 — and that the above should be applied evenly as ½ paid from the
455 Administration’s funds, and ½ paid by the persons in
456 administrative/executive positions, proportionally weighted by the
457 authority of the position they occupy within the Administration.
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459 14. The termination of employment of all administration- and executive-
460 level positions within OSHA and prohibition from employment by
461 Federal government, directly or indirectly as a [sub-]contractor, for
462 not less than five years.

463 **B. New Mexico State University**

464 Likewise NMSU has, through its Board of Regents, Administration,
465 General Counsel, etc combined to deprive its employees of rights as well as
466 Interfering with Commerce, Wire Fraud, Genetic Discrimination, Religious
467 Discrimination, and probable Bank Fraud.

468 **1. Board of Regents**

469 a. \$3,003,000.⁰⁰ —
470 \$600,000.⁰⁰ from each voting member of the Board of Regents,
471 and \$1,000.⁰⁰ from non-voting members of the Board of Regents; for
472 while the non-voting members could be excused for not having a say
473 in the implementation of policy, they should bear some punishment
474 for allowing the rest of the members to engage in such unlawful
475 activities.

476 **2. General Counsel**

477 a. \$2,000,000.⁰⁰ —

- 478 (1) \$1,000,000.⁰⁰ for the negligence and malfeasance
479 involved in supporting and defending these mandates;
480 (2) \$1,000,000.⁰⁰ for assisting the University Officials &
481 Administration in their conspiracy to deprive their
482 employees and students of rights; and
483 — split 1/3RD to the assistants & 2/3RD to the General Counsel and
484 Associates such that of the remainder 1/2 to the General Counsel and
485 1/4 to the associates; to wit: \$222,222.²² for each of the Assistants,
486 \$333,333.³³ for each of the Associates, and \$666,666.⁶⁸ for the General
487 Counsel, and
488 b. A letter from the Court to the New Mexico State Bar
489 requesting the censure and/or disbarment of all individuals in
490 NMSU's General Counsel office.

491 3. **Other Administration**

- 492 For their acquiescence to these \$2,402,000.⁰⁰ —
493 a. \$800,000.⁰⁰ from John Floros;
494 b. \$800,000.⁰⁰ from Gena Jones;
495 c. \$800,000.⁰⁰ from Dan Arvizu;
496 d. \$2,000.⁰⁰ from James McAteer;
497 e. \$2,000.⁰⁰ from Jamie Erickson.

498 4. **N.M.S.U., as an institution**

499 And the remainder (\$199,995,000.⁰⁰) from the institution of
500 New Mexico State University.

501 C. **Compensatory Damages**

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1. **Base Salary and Benefits Deprived**

- a. Salary: \$55,000 / year.
- b. NMERB: 15.15% Salary / year.²
- c. Leave: 21 Days / year.³

2. Trebling, as per 18 U.S.C. §1964.

3. **Legal Expenses**

- a. Attorney's fees run between \$100 and \$400⁴.
- b. As this is a pro se filing, I am charging myself \$200/Hr, which seems a reasonable rate to recoup for the trouble.
- c. My research and production of the previous document cost approximately 80 Hours, this equates to \$16,000 as of filing.
- d. I was inconsistent in logging expenses for this document; only recording 5 hours, rendering \$1000.

D. Whereas the US Constitution prohibits the States from making anything but Gold or Silver tender in payment for debt, I also pray that such damage-relief be paid according to 31 USC §5112 (a)(7 through 10) & (e) using the smallest number of coinage.

E. Any other relief the court deems appropriate, just and proper.

² — NM Educational Plan (NMERB)
<https://benefits.nmsu.edu/retire/nmerb/>

³ — Annual Leave
<https://benefits.nmsu.edu/leave-holidays/annual-leave/>

⁴ — Average Attorney Fees
<https://thervo.com/costs/attorney-fees>

520

521 **VI. Certification and Closing**

522 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of
523 my knowledge, information, and belief that this complaint:

- 524 1. is not being presented for an improper purpose, such as to harass,
525 cause unnecessary delay, or needlessly increase the cost of litigation;
- 526 2. is supported by existing law or by a nonfrivolous argument for
527 extending, modifying, or reversing existing law;
- 528 3. the factual contentions have evidentiary support or, if specifically so
529 identified, will likely have evidentiary support after a reasonable
530 opportunity for further investigation or discovery; and
- 531 4. the complaint otherwise complies with the requirements of Rule 11.

532 **A. For Parties Without an Attorney**

533 I agree to provide the Clerk's Office with any changes to my address where
534 case-related papers may be served. I understand that my failure to keep a current address
535 on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____ April 28, 2022

Plaintiff's Signature: _____ /s/ Edward Fish

Plaintiff's Printed Name: _____ Edward Fish

B. For Attorneys

Date of signing: _____

Attorney's Signature: _____

Attorney's Printed Name: _____

Bar Number: _____

Name of Law Firm: _____

Address: _____

City State Zip Code

Telephone Number: _____

E-mail Address: _____