

Orly Taitz, ESQ
CBL 223433
29839 SANTA MARGARITA PKWY, STE 100
RANCHO SANTA MARGARITA, CA 92688
PH. 949-683-5411 FAX 949-766-7603
ORLY.TAITZ@GMAIL.COM
COUNSELOR FOR THE PLAINTIFF

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**

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.
4

5 US Senate is currently seeking to try Donald Trump, a private individual, who is
6 no longer in office.
7

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).
13
14

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
24
25
26
27
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.

3
4
5
6 **PRAYER FOR RELIEF**

7
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.

15
16
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
20
21

22
23
24 Dated this 01.20.2021 1pm EST

25 /s/ Orly Taitz, ESQ
26 29839 Santa Margarita, ste
27 100
28 Rancho Santa Margarita, CA
92688
ph 949-683-5411 fax 949-
766-7603

orly.taitz@gmail.com
Counselor for the Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Defend Our Freedoms Foundation	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) Chuck Schumer in his capacity as the Senate majority leader, Kamala Harris, in her capacity as the President of the Senate
(b) County of Residence of First Listed Plaintiff <u>Orange</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant <u>Washington DC</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Law Offices of Orly Taitz, ESQ ph 949 683 5411 29839 Santa Margarita, ste 100 Rancho Santa Margarita, CA 92688	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Law Offices of Orly Taitz, ESQ 29839 Santa Margarita, ste 100 Rancho Santa Margarita, CA 92688 ph. 949-683-5411

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES —For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;">X 1 X 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;">X 4 X 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;">X 2 X 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;">X 5 X 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;">X 3 X 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;">X 6 X 6</td> </tr> </table>	Citizen of This State	PTF DEF	X 1 X 1	Incorporated or Principal Place of Business in this State	PTF DEF	X 4 X 4	Citizen of Another State	PTF DEF	X 2 X 2	Incorporated and Principal Place of Business in Another State	PTF DEF	X 5 X 5	Citizen or Subject of a Foreign Country	PTF DEF	X 3 X 3	Foreign Nation	PTF DEF	X 6 X 6
Citizen of This State	PTF DEF	X 1 X 1	Incorporated or Principal Place of Business in this State	PTF DEF	X 4 X 4														
Citizen of Another State	PTF DEF	X 2 X 2	Incorporated and Principal Place of Business in Another State	PTF DEF	X 5 X 5														
Citizen or Subject of a Foreign Country	PTF DEF	X 3 X 3	Foreign Nation	PTF DEF	X 6 X 6														

IV. ORIGIN (Place an X in one box only.)

1. Original Proceeding
 2. Removed from State Court
 3. Remanded from Appellate Court
 4. Reinstated or Reopened
 5. Transferred from Another District (Specify)
 6. Multidistrict Litigation - Transfer
 8. Multidistrict Litigation - Direct File

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Article 2 Section 4 of the US constitution

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA) SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? check one of the boxes to the right →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there.
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) check one of the boxes to the right →	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? check one of the boxes to the right →	YES. Your case will initially be assigned to the Southern Division. <input checked="" type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2.
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) check one of the boxes to the right →	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D.1. Is there at least one answer in Column A? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓
---	--

QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	SOUTHERN <input checked="" type="checkbox"/>

QUESTION F: Northern Counties?
 Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? Yes No

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in this court?

NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

NO YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): /s/ Orly Taitz

DATE: 01.21.21

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))