

**IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH
CIRCUIT****CIVIL APPEAL****Case No.:** 24-3244**District Court Case No.:** 24-CV-50466**Plaintiff-Appellant:**

THOMAS E. CAMARDA

Defendants-Appellees:

ELIZABETH WHITEHORN, et al.

U.S.C.A. - 7th Circuit
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FEB 13 2025**Nature of Appeal:**

This appeal arises from the United States District Court for the Western Division of Illinois, which dismissed claims brought by Plaintiff-Appellant under **42 U.S.C. § 1983**, the **United States Constitution**, and related statutory provisions. Plaintiff-Appellant challenges the lower court's errors, including procedural and constitutional violations, as outlined in the attached appellate brief.

Relief Sought:

Plaintiff-Appellant seeks reversal of the district court's ruling, enforcement of constitutional protections, injunctive relief, monetary damages totaling **\$1,975,000**, and sanctions against Defendants-Appellees for bad-faith actions and violations of federal law.

District Court Judge:

Hon. Iain D. Johnston

Thomas E. Camarda

Pro Se

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APPELLATE BRIEF**UNITED STATES COURT OF APPEALS SEVENTH CIRCUIT****Case No.: 24-3244****Thomas E. Camarda, Plaintiff-Appellant****v.****Elizabeth M. Whitehorn, et al., Defendants-Appellees****TABLE OF CONTENTS****I. Introduction****II. Jurisdictional Statement****III. Issues Presented for Review****IV. Statement of the Case****A. Background and Factual Overview****B. Procedural History****C. Relevant Law and Precedents****V. Summary of the Argument****VI. Analysis of District Court Missteps****VII. Argument****A. Procedural Errors by the District Court****B. Constitutional Violations****C. UCC Enforcement and Defaults****D. Federal Statutory Violations****E. Jurisdictional Violations and Statutory Authority****F. Enhanced Legal Precedent Analysis****G. Broader Constitutional Implications****VIII. Relevant Supreme Court Precedents****A. Procedural and Constitutional Violations****B. Broader Constitutional Protections****C. Systemic and Ethical Failures****D. Remedies and Systemic Accountability****IX. Emphasis on Retaliation and Bad Faith****X. Broader Systemic Issues****XI. Ethical and Professional Accountability****XII. Retaliation and State Overreach****XIII. Relief Requested****XIV. Financial Analysis and Damages.****XV. Conclusion**

I. INTRODUCTION

This appeal exposes systemic constitutional violations, procedural misconduct, and abuse of authority by the Illinois Department of Healthcare and Family Services (HFS). The defendants' actions deprived Thomas E. Camarda of his rights and highlighted the lower court's failure to provide redress.

The case documents a pattern of bad faith, procedural irregularities, and misuse of authority, causing irreparable harm, including:

1. **Financial Harm:** Defendants unlawfully levied \$24,400 without notice or safeguards, triggering cascading damages exceeding \$1,075,000, including lost income and business disruption.
2. **Reputational Damage:** Defendants mischaracterized the plaintiff's legal actions as harassment and refused to engage in settlement discussions, harming his professional standing.
3. **Emotional Distress:** Defendants retaliated by leveraging law enforcement, causing significant psychological harm.

The defendants' misconduct is supported by extensive evidence:

- **UCC Filings:** Plaintiff perfected a UCC-1 Financing Statement and issued UCC-11 Certified Filings, which the defendants ignored, failing to cure defaults.
- **Court Filings:** Plaintiff sought relief through motions for declaratory judgment, sanctions, and injunctions, but the district court failed to rule.
- **FOIA Requests:** Defendants obstructed legally mandated requests for critical records, violating federal transparency laws.
- **Certified Notices:** Over 400 pages of legal notices, including default declarations and compliance demands, were sent. Defendants ignored these, violating legal obligations.

The district court compounded these issues by failing to enforce remedies and disregarding binding precedents. This appeal seeks to correct these failures, enforce UCC remedies, and provide full redress.

Beyond the plaintiff's case, this appeal calls on the judiciary to uphold constitutional protections and hold state actors accountable. The court has the authority and duty to rectify these injustices, ensuring the integrity of the legal process. This case is a precedent-setting challenge to systemic misconduct, reinforcing legal safeguards for all citizens.

II. JURISDICTIONAL STATEMENT

This Court has jurisdiction under **28 U.S.C. § 1291**, allowing appellate review of final district court decisions. The challenged order comes from the U.S. District Court for the Western Division of Illinois, where the plaintiff sought relief for constitutional and statutory violations. The district court dismissed the claims without addressing key legal arguments, necessitating appellate review.

Federal jurisdiction is invoked under **28 U.S.C. § 1331**, which grants original jurisdiction over civil actions arising under U.S. laws and the Constitution. The case involves violations of:

1. **42 U.S.C. § 1983**

- Defendants, acting under state law, deprived the plaintiff of **Fifth and Fourteenth Amendment** rights, including due process, equal protection, and protection from retaliation.

2. **18 U.S.C. §§ 241 and 242**

- Defendants conspired to violate constitutional rights (**§ 241**) and used their authority to deprive the plaintiff of rights (**§ 242**), engaging in retaliation and obstruction.

3. **Constitutional Violations**

- **Fifth Amendment:** Property was taken without due process.
- **Fourteenth Amendment:** Equal protection and procedural fairness were denied.

The plaintiff also asserts **UCC Article 9** claims, typically state matters, but relevant here due to constitutional property rights violations. Defendants defaulted under UCC obligations, reinforcing the federal jurisdiction.

Jurisdiction is further supported by the case's substantial **federal interests**, including **state power abuse, judicial integrity, and enforcement of constitutional protections**.

Finally, appellate jurisdiction is proper because the district court's dismissal is a final decision under **28 U.S.C. § 1291**, effectively barring the plaintiff from relief at the trial level. This Court's intervention is necessary to correct **legal errors, enforce constitutional rights, and ensure due process**.

In conclusion, this Court has jurisdiction under **28 U.S.C. §§ 1291 and 1331** and should review the case to uphold the rule of law.

III. ISSUES PRESENTED FOR REVIEW

1. Whether the district court erred in failing to address procedural and constitutional violations, including due process and equal protection breaches.

The plaintiff provided substantial evidence of constitutional violations, including deprivation of property without due process (**Fifth Amendment**) and denial of equal protection (**Fourteenth Amendment**). Despite the seriousness of these claims, the district court dismissed the case prematurely, failing to examine the record or allow procedural steps like issuing summonses and discovery.

The district court erred by:

- **Not issuing summonses**, allowing defendants to evade judicial scrutiny.
- **Denying discovery**, preventing access to critical internal records on systemic violations.
- **Ignoring FOIA non-compliance**, which obstructed key evidence.

By dismissing the case without full record development, the court deprived the plaintiff of fair adjudication. The appellate court must assess whether these procedural failures warrant reversal.

2. Whether the defendants' defaults under UCC Article 9 require financial accountability.

The plaintiff established secured creditor status through properly perfected **UCC-1 Financing Statements** and **UCC-11 searches**, proving the defendants' **UCC Article 9 defaults** and enforceable financial obligations. The district court failed to:

- **Enforce non-judicial UCC remedies**, despite multiple certified notices.
- **Acknowledge financial liability**, allowing the plaintiff's damages to escalate from **\$24,400** to over **\$1,075,000**.

The appellate court must determine whether the district court's refusal to enforce UCC rights was an abuse of discretion and whether financial accountability is required.

3. Whether the district court's failure to enforce statutory and constitutional remedies violated federal law.

Federal statutes provide clear protections, including:

- **42 U.S.C. § 1983** – Addressing deprivations of constitutional rights.

- **18 U.S.C. §§ 241 and 242** – Prohibiting state actors from conspiring to retaliate.

The district court failed to:

- **Rule on motions for declaratory relief and sanctions**, ignoring statutory claims.
- **Correct procedural errors**, including the defendants' reliance on invalid court orders (**28 U.S.C. § 1691**).

This appellate review is essential to address the lower court's inaction and protect the plaintiff's federal rights.

IV. STATEMENT OF THE CASE

A. Background and Factual Overview

This case highlights systemic abuse by state actors under administrative authority. Plaintiff **Thomas E. Camarda**, a **secured party creditor**, was subjected to an **unauthorized \$24,400 levy** by the **Illinois Department of Healthcare and Family Services (HFS)** without prior notice, hearing, or procedural safeguards. This violated federal law and **Fifth Amendment** protections.

The levy **devastated** the plaintiff's finances, stripping working capital and causing indirect damages, including **lost business opportunities, reputational harm, and emotional distress**, escalating total damages to **\$1,075,000**.

To protect his rights, the plaintiff:

1. Perfected Secured Creditor Status

- Filed a **UCC-1 Financing Statement**, establishing his claim.
- Conducted a **UCC-11 Certified Search**, documenting defendants' defaults.

2. Issued Default Notices

- Sent **over a dozen** notices to the defendants, giving them a chance to cure.
- Defendants **ignored** these notices, showing bad faith.

3. Maintained Transparency

- Filed **FOIA requests** for critical records, which were obstructed.

Rather than addressing these grievances, **defendants retaliated, using law enforcement intimidation, judicial obstruction, and falsified filings** to evade accountability.

B. Procedural History

1. Initial Levy (April 2024)

- **Defendants seized \$24,400** without notice or an opportunity to contest, violating **due process** and federal law.

2. UCC Filings and Defaults (Oct–Nov 2024)

- Plaintiff filed a **UCC-1 Financing Statement**, confirming secured status.
- **UCC-11 searches** confirmed defendants' defaults.
- **Multiple default notices** were sent but ignored.

3. Judicial Failures and Dismissals (Oct 2024–Jan 2025)

- Plaintiff filed **motions** for declaratory relief and sanctions.
- **No summonses issued**, allowing defendants to evade scrutiny.
- **No discovery permitted**, obstructing access to evidence.
- **Court dismissed the case prematurely** without addressing key claims.

4. FOIA Requests and Obstructions

- Plaintiff **sought records** on the levy and internal communications.
- Defendants **delayed or ignored** requests, blocking evidence access.

The district court's failure to address these procedural violations **denied the plaintiff meaningful redress**, necessitating this appeal.

C. Relevant Law and Precedents

1. Constitutional Provisions

- **Fifth Amendment:** Protects against property deprivation without due process. Defendants executed an unauthorized levy without notice or hearing.
- **Fourteenth Amendment:** Guarantees **equal protection** and **procedural fairness**, which defendants violated through biased enforcement.

2. Statutory Authority

- **42 U.S.C. § 1983:** Prohibits **rights violations under color of law**—defendants retaliated and obstructed procedures.
- **18 U.S.C. §§ 241 & 242:** Criminalize conspiracies and **oppressive actions by state actors**—defendants used administrative power to retaliate.
- **18 U.S.C. § 1513:** Prohibits **retaliation** against individuals exercising legal rights—defendants misused law enforcement.

3. UCC Article 9

- **Protects secured creditors' rights**—Plaintiff's UCC filings confirmed **defendants' financial liabilities**, which they failed to address.

The **district court ignored clear violations**, justifying appellate intervention to enforce **constitutional rights, financial accountability, and procedural justice**.

V. SUMMARY OF THE ARGUMENT

Summary of Legal and Procedural Failures

The district court failed to enforce **constitutional, statutory, and procedural protections**, allowing the defendants to continue **systemic abuse**. This appeal seeks to **correct these errors**, demonstrating how the **court's inaction deprived the plaintiff of justice** and enabled **defendants to evade accountability**.

1. Procedural Errors Denied the Plaintiff a Fair Hearing

The district court's **failure to follow due process** resulted in:

- **No Summonses Issued** – Preventing the plaintiff from compelling defendants' participation, shielding them from scrutiny.
- **Denial of Discovery** – Blocking access to key documents and testimony needed to prove constitutional and statutory violations.
- **Premature Case Dismissal** – Preventing the plaintiff from presenting a full case and violating established procedural norms.

These errors **compromised due process**, requiring appellate intervention to restore fairness.

2. Constitutional Violations Caused Irreparable Harm

Defendants, with the district court's inaction, violated the **Fifth and Fourteenth Amendments**:

- **Due Process Violation** – Seizure of **\$24,400** without notice or a chance to contest, causing immediate financial harm.
- **Equal Protection Violation** – Retaliatory actions targeted the plaintiff unfairly, demonstrating **systemic bias**.
- **Irreparable Harm** – Beyond financial loss, the plaintiff suffered **reputational damage, emotional distress, and business disruptions**.

Appellate intervention is essential to **restore the plaintiff's rights and deter future abuses**.

3. Defendants' UCC Defaults Establish Financial Liability

The plaintiff's **UCC Article 9 claims** are supported by:

- **UCC-1 Filings** – Establishing secured party status.
- **UCC-11 Searches** – Confirming **defendants' financial defaults**.
- **Notices of Default** – Defendants ignored multiple cure opportunities, increasing liability.

The district court failed to **enforce UCC remedies**, allowing defendants to **evade financial responsibility**. The appellate court must recognize **the validity of UCC claims** and enforce financial accountability.

Conclusion

The district court's **procedural errors and failure to address constitutional claims** enabled ongoing misconduct. This appeal establishes that:

1. **Procedural missteps** deprived the plaintiff of a **fair hearing**.
2. **Constitutional violations** inflicted **irreparable harm**.
3. **Defendants' UCC defaults** require **financial enforcement**.

The appellate court must act to **correct these errors, uphold justice, and ensure accountability**.

VI. ANALYSIS OF DISTRICT COURT MISSTEPS

The district court's failure to enforce procedural, statutory, and constitutional protections allowed **systemic misconduct** to persist. This section highlights **key judicial missteps**, their impact, and the necessity of appellate intervention.

Critical Procedural Errors

1. Failure to Issue Summons and Allow Discovery

- **Error:** The district court **did not issue summons**, preventing the plaintiff from compelling defendants' participation.
- **Impact:**
 - Blocked the plaintiff from obtaining **critical discovery evidence**.
 - Allowed defendants to **evade judicial accountability**.
- **Precedent:** *Hickman v. Taylor*, 329 U.S. 495 (1947) – Affirms **discovery's** role in ensuring fair trials.

2. Premature Merits Ruling Without a Full Record

- **Error:** The court ruled without allowing **evidentiary development**.
- **Impact:**
 - Resulted in a ruling unsupported by **UCC filings, constitutional claims, and statutory violations**.
- **Precedent:** *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986) – Requires rulings based on **complete records**.

3. Failure to Address Constitutional Claims

- **Error:** The court ignored key **constitutional violations**:
 - **Fifth Amendment** – Unauthorized levy without notice.
 - **Fourteenth Amendment** – Discriminatory and retaliatory actions.
- **Impact:**
 - Left **serious rights violations unaddressed**.
- **Precedent:** *Mathews v. Eldridge*, 424 U.S. 319 (1976) – Courts must **protect due process** in property disputes.

4. Ignoring Motions and Procedural Irregularities

- **Error:** The court failed to rule on **motions for relief, sanctions, and procedural corrections**.

- **Impact:**
 - Created **judicial inattention**, delaying justice and enabling **defendants' misconduct**.
- **Precedent:** *Patterson v. McLean Credit Union*, 491 U.S. 164 (1989) – Courts must engage with substantive motions.

Substantive Judicial Errors

1. Misapplication of UCC Principles

- **Error:** The district court failed to **recognize the plaintiff's secured creditor status**.
- **Impact:**
 - Allowed **defendants to evade financial accountability**.
- **Precedent:** *In re Apex Oil Co.*, 975 F.2d 1365 (8th Cir. 1992) – Secured creditors have **enforceable rights**.

2. Ignoring Federal Statutory Violations

- **Error:** The court **neglected clear statutory violations**:
 - 18 U.S.C. §§ 241, 242 – Deprivation of rights under color of law.
 - 42 U.S.C. § 1983 – Civil rights violations via **retaliation and obstruction**.
- **Impact:**
 - Allowed **state actors to abuse authority** without consequence.
- **Precedent:** *Monroe v. Pape*, 365 U.S. 167 (1961) – **State actors can be held liable** for constitutional violations.

Judicial Error in Rule 60(b) Certification of Bad Faith

1. Purpose of Rule 60(b) Motion

- **Filed to:**
 - Address **procedural irregularities**.
 - **Enhance the appellate record**.

2. Improper Bad Faith Certification

- **Error:** The district court **wrongly deemed** the motion an act of bad faith.

- **Impact:**
 - **Misrepresented** a legitimate legal effort as misconduct.
 - **Weakened the plaintiff's ability to preserve appellate rights.**
- **Precedent:** Courts require **clear proof of improper intent** before certifying bad faith.

Impact of District Court Failures

1. **Denied Justice:** Blocked the plaintiff's ability to **effectively present claims.**
2. **Enabled Misconduct:** Allowed **defendants' violations** to remain unchallenged.
3. **Eroded Public Confidence:** Undermined **trust in judicial fairness.**

Conclusion: Need for Appellate Intervention

The district court's **procedural and substantive errors** demand reversal. The appellate court must:

1. **Correct procedural deficiencies** that undermined the plaintiff's case.
2. **Enforce constitutional, statutory, and UCC protections.**
3. **Restore judicial fairness and accountability.**

This review is critical to **upholding the rule of law** and ensuring justice for the plaintiff.

VII. ARGUMENT

The district court's failures enabled **systemic abuse**, ignoring **constitutional, statutory, and UCC protections**. This appeal demonstrates the necessity for **appellate intervention** to correct these errors and **restore justice**.

A. Procedural Errors by the District Court

1. Failure to Address Constitutional Claims

- **Fifth Amendment Violation:** The unauthorized **\$24,400 levy** was executed **without notice or hearing**, violating **due process**.
- **Fourteenth Amendment Violation:** Defendants **discriminated** in enforcement, violating **equal protection**.

- **Court's Failure: Dismissed claims prematurely** without reviewing the full record.

2. Ignoring UCC Remedies

The district court failed to enforce UCC Article 9 despite clear defaults:

- **UCC § 9-601:** Grants secured creditors rights against defaulting debtors.
- **UCC § 9-609:** Authorizes **non-judicial repossession** of collateral.
- **UCC § 9-625:** Provides for **compensation and injunctive relief** for creditor rights violations.

These errors denied the plaintiff **legally guaranteed financial remedies**.

B. Constitutional Violations

1. Fifth Amendment: Unlawful Deprivation of Property

- **Violation:** Levy executed **without notice, hearing, or legal justification**.
- **Precedent:** *Mathews v. Eldridge*, 424 U.S. 319 (1976) – Due process requires procedural safeguards before property deprivation.

2. Fourteenth Amendment: Equal Protection Violations

- **Violation:** Defendants **selectively enforced penalties** against the plaintiff.
- **Precedent:** *Monroe v. Pape*, 365 U.S. 167 (1961) – State actors **liable for constitutional violations** under color of law.

C. UCC Enforcement and Defaults

Defendants defaulted under UCC Article 9, creating **enforceable obligations**:

- **Ignored Default Notices:** Defendants failed to **cure defaults**, escalating liability.
- **Total Damages:** Now exceed **\$1,075,000** due to continued non-compliance.
- **Statutory Authority:**
 - **UCC § 9-601, § 9-609:** Grant rights to **repossession and collateral enforcement**.
 - **UCC § 9-625:** Requires **damages for violations of secured creditor rights**.

The court failed to enforce these provisions, denying legal remedies.

D. Federal Statutory Violations

1. 18 U.S.C. §§ 241, 242: Conspiracy and Deprivation of Rights

- **§ 241: Prohibits conspiracies to oppress individuals exercising constitutional rights.**
- **§ 242: Criminalizes rights deprivations under color of law.**
- **Defendants' Actions:**
 - **Unlawful levy execution.**
 - **Obstruction of access to legal remedies.**

2. 18 U.S.C. § 1512: Tampering and Witness Intimidation

- **Obstructed FOIA compliance, concealing evidence.**
- **Used law enforcement intimidation to suppress the plaintiff's claims.**

3. 18 U.S.C. § 1503: Obstruction of Justice

- **Defendants manipulated procedures, interfering with due process.**

4. 18 U.S.C. § 1513: Retaliation Against a Witness

- **Used procedural roadblocks to retaliate against the plaintiff for lawful actions.**

E. Jurisdictional and Procedural Failures

1. 28 U.S.C. § 1331: Federal Question Jurisdiction

- **The case arises under the Constitution and federal law, establishing jurisdiction.**

2. 28 U.S.C. § 1691: Validity of Court Orders

- **Defendants relied on unsigned, invalid court orders, violating federal law.**

F. Legal Precedents Supporting Plaintiff's Claims

1. Due Process Violations

- ***Mathews v. Eldridge*, 424 U.S. 319 (1976) – Requires procedural safeguards before property deprivation.**
- ***Goldberg v. Kelly*, 397 U.S. 254 (1970) – Due process requires a hearing before government action affecting rights.**

2. Equal Protection Violations

- *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000) – “Class of one” discrimination violates equal protection.
- *Yick Wo v. Hopkins*, 118 U.S. 356 (1886) – Selective enforcement is unconstitutional.

3. Unauthorized Levy and Property Seizure

- *Fuentes v. Shevin*, 407 U.S. 67 (1972) – Government cannot seize property without notice or hearing.

4. Retaliation and Abuse of Authority

- *Monroe v. Pape*, 365 U.S. 167 (1961) – State actors can be held accountable under § 1983.

5. UCC Enforcement and Secured Creditor Rights

- *In re Apex Oil Co.*, 975 F.2d 1365 (8th Cir. 1992) – Secured creditors have enforceable rights against defaults.

G. Broader Constitutional and Legal Implications

1. Upholding Due Process and Equal Protection

- Allowing these violations erodes public trust in judicial protections.

2. Accountability for State Actors

- Unchecked administrative overreach creates dangerous precedents.

3. Strengthening UCC Enforcement

- Failure to enforce UCC provisions undermines commercial law integrity.

4. Restoring Public Confidence in the Judiciary

- This case is a test of the courts' commitment to justice and fairness.

Conclusion

The district court's failures demand appellate intervention to:

1. Reverse the dismissal and restore constitutional protections.
2. Enforce UCC Article 9 remedies, ensuring financial accountability.
3. Mandate proper adjudication, preventing further violations.

This Court has the **authority and responsibility** to correct these errors and ensure justice is served.

VIII. RELEVANT SUPREME COURT PRECEDENTS

This appeal is grounded in Supreme Court rulings that define **constitutional, statutory, and procedural protections** violated by the defendants. These precedents highlight **systemic failures** by the district court and justify **reversal of the lower court's rulings** to enforce federal law and provide remedies for the plaintiff.

A. Procedural and Constitutional Violations

1. Due Process and Equal Protection Failures

- **Santosky v. Kramer, 455 U.S. 745 (1982)** – Requires **heightened procedural safeguards** when state actions threaten **fundamental rights**.
 - **Relevance:** The **unauthorized levy of \$24,400**, executed without notice or hearing, violates due process protections.
- **Stanley v. Illinois, 405 U.S. 645 (1972)** – Affirms that **fundamental rights cannot be denied without an individualized hearing**.
 - **Relevance:** The district court's failure to allow due process mirrors the violations in *Stanley*.

2. Retaliatory and Arbitrary Government Actions

- **Village of Willowbrook v. Olech, 528 U.S. 562 (2000)** – Establishes **"class-of-one" equal protection claims** for arbitrary state actions.
 - **Relevance:** Retaliatory enforcement against the plaintiff was **unequal and unjustified, violating equal protection**.
- **Zablocki v. Redhail, 434 U.S. 374 (1978)** – Struck down **unconstitutional state-imposed barriers** to fundamental rights.
 - **Relevance:** Defendants imposed **unjustified procedural roadblocks**, obstructing the plaintiff's **federal rights**.

B. Broader Constitutional Protections

1. First Amendment Violations

- **Sherbert v. Verner, 374 U.S. 398 (1963)** – Government actions infringing fundamental rights must pass **strict scrutiny**.

- **Relevance: Retaliatory warrant issuance and intimidation violated First Amendment rights to petition the government.**

2. Supremacy of Federal Law

- **McCulloch v. Maryland, 17 U.S. 316 (1819) – Establishes federal supremacy over conflicting state actions.**
 - **Relevance: Defendants interfered with federal UCC enforcement, violating federal jurisdiction.**

3. Fundamental Rights and Protections

- **Troxel v. Granville, 530 U.S. 57 (2000) – Requires compelling justification before government interference in fundamental rights.**
 - **Relevance: State actors overstepped authority, violating constitutional protections.**

C. Systemic and Ethical Failures

1. Systemic Abuse of Power

- **Young v. United States ex rel. Vuitton et Fils S.A., 481 U.S. 787 (1987) – Condemns bad-faith state actions that undermine judicial integrity.**
 - **Relevance: Defendants' retaliatory enforcement and procedural obstruction require judicial intervention.**

2. Need for Judicial Oversight

- **Washington v. Glucksberg, 521 U.S. 702 (1997) – Reinforces the judiciary's role in protecting constitutional liberties.**
 - **Relevance: The district court failed to safeguard rights, justifying appellate correction.**

D. Remedies and Systemic Accountability

Supreme Court precedents establish **clear violations**, necessitating the following **remedies**:

1. **Injunctive Relief** – Preventing further retaliation and enforcing **federal jurisdiction** (*McCulloch v. Maryland*).
2. **Compensatory and Punitive Damages** – Addressing **harm caused by bad-faith enforcement** (*Young v. United States*).
3. **Federal Investigation Referral** – Holding **defendants accountable for systemic misconduct** (*Washington v. Glucksberg*).

This Court must **reverse the lower court's ruling, enforce constitutional protections, and ensure accountability.**

IX. EMPHASIS ON RETALIATION AND BAD FAITH

A. Retaliatory Actions by the Defendants

The defendants engaged in **targeted retaliation** against the plaintiff, violating **42 U.S.C. § 1983** and multiple **federal statutes**, aiming to **intimidate, suppress rights, and obstruct justice.**

1. Misuse of Administrative Authority

- **The April 2024 levy was not just procedurally invalid, but also retaliatory, punishing the plaintiff for asserting his rights.**
- **The levy drained the plaintiff's working capital, hindering his ability to challenge misconduct.**

2. Law Enforcement Intimidation

- **Defendants weaponized law enforcement, including threats by Sergeant Ash, to silence and coerce the plaintiff.**
- **Violations of 18 U.S.C. §§ 241 and 242, involving deprivation of rights under color of law and conspiracy to intimidate.**

3. Obstruction of Legal Remedies

- **Defendants ignored certified notices and filings, obstructing legal action.**
- **FOIA violations and procedural manipulation further denied the plaintiff access to justice.**

B. Bad Faith Conduct in Court

Defendants **delayed, obstructed, and undermined** proceedings to **evade accountability.**

1. Non-Response to Legal Notices

- **Over 385 pages of legal notices were ignored.**
- **Silence implies admission of liability under procedural law and UCC provisions.**

2. Misrepresentation and Fraud

- **Filed false bankruptcy records** to delay proceedings.
- **Violates 18 U.S.C. § 1512**, prohibiting **evidence tampering and obstruction**.

3. FOIA Non-Compliance

- **Refused to produce documents**, violating **transparency laws** and obstructing the plaintiff's case.

C. Legal Consequences of Retaliation and Bad Faith

Defendants' actions **violated constitutional and statutory rights** and **eroded public trust** in legal institutions.

1. Constitutional Violations

- **First Amendment:** Retaliation **infringed on the plaintiff's right** to petition the government.
- **Fifth & Fourteenth Amendments:** Obstruction and intimidation **deprived due process and equal protection**.

2. Federal Statutory Violations

- **42 U.S.C. § 1983** – Retaliation by state actors.
- **18 U.S.C. §§ 241, 242, 1503, 1512, 1513** – Conspiracy, obstruction, and retaliation.

3. Impact on Judicial Integrity

- **Unaddressed misconduct emboldens state actors** to use retaliation and bad faith to suppress legal grievances.

D. Remedies for Retaliation and Bad Faith

Plaintiff seeks **strong judicial intervention**:

1. Punitive Damages

- **\$500,000** to penalize **intentional and malicious misconduct**.

2. Injunctive Relief

- **Ban further retaliation and procedural obstructions**.

3. Federal Investigation

- **Refer defendants for violations under 18 U.S.C. §§ 241, 242, 1512, 1513.**

4. Judicial Oversight

- **Mandate systemic reforms and mandatory training on constitutional compliance.**

Conclusion: Addressing Retaliation and Bad Faith

The defendants' abuse of power was designed to silence the plaintiff and obstruct justice. Strong action by this Court will uphold constitutional rights, restore public trust, and deter future state misconduct.

X. BROADER SYSTEMIC ISSUES

A. Administrative Overreach and Lack of Accountability

The defendants' actions reflect a pattern of unchecked administrative authority, violating constitutional protections and legal accountability.

1. Constitutional Violations

- **Unauthorized levy and procedural manipulation disregarded due process and equal protection.**
- **State agencies operating under color of law must be held accountable.**

2. FOIA Non-Compliance Highlights Transparency Failures

- **Defendants' refusal to provide records undermines public trust and prevents legal challenges.**

3. Lack of Oversight Enables Violations

- **Weak enforcement of judicial review allows agencies to evade accountability.**

B. Judicial Reluctance to Address Misconduct

The district court failed to engage substantively, exposing systemic judicial flaws.

1. Ignoring Constitutional Claims

- **Courts must rigorously examine constitutional violations to prevent state abuse.**
- **Neglecting Fifth and Fourteenth Amendment claims failed judicial duty.**

2. Procedural Barriers Impede Justice

- Premature ruling, failure to issue summons, and denial of discovery obstructed due process.

3. Implicit Bias Favoring State Agencies

- Judicial deference to administrative actions risks systemic injustice.

C. Retaliation and Abuse of Power Under Color of Law

Defendants weaponized law enforcement and procedural manipulation to intimidate and obstruct.

1. Authority Used for Retaliation

- State actors abused power to suppress legal challenges, violating 18 U.S.C. §§ 241, 242, and 1512.

2. Public Trust Undermined

- Unchecked state retaliation weakens faith in government and legal systems.

D. Economic and Professional Harm

The case exposes the broader economic impact of administrative overreach.

1. Financial Instability

- Unlawful levies damage working capital, harming professionals and exacerbating economic inequality.

2. Chilling Effect on Advocacy

- Retaliatory actions discourage individuals from asserting rights, suppressing civic engagement.

E. Recommendations for Systemic Reform

To prevent future abuses, the Court should consider:

1. Enhanced Judicial Oversight

- Mandate thorough review of constitutional claims and procedural violations.

2. Strengthened Transparency Requirements

- Enforce strict FOIA compliance to ensure accountability.

3. Independent Oversight Bodies

- Investigate and address abuses of power under color of law.

4. Expanded Protections for Litigants

- **Safeguards against retaliation and procedural obstruction.**

Conclusion: Addressing Systemic Failures

This case **exposes widespread governmental overreach and judicial neglect.** The Court has the **opportunity to set a precedent that:**

1. **Strengthens constitutional protections.**
2. **Ensures accountability for state actors.**
3. **Restores public confidence in the rule of law.**

XI. ETHICAL AND PROFESSIONAL ACCOUNTABILITY

A. Obligations of State Actors

State actors must uphold **ethical, professional, and legal standards** to maintain **public trust** in government institutions.

1. Upholding Constitutional Rights

- Defendants had a **duty to respect due process and equal protection** under the **Fifth and Fourteenth Amendments.**
- **Failure to do so constitutes legal and ethical misconduct.**

2. Transparency and Accountability

- **FOIA compliance is a legal and ethical obligation** ensuring transparency.
- **Refusal to comply demonstrates disregard for public accountability.**

B. Bad Faith and Retaliation as Ethical Failures

Defendants engaged in **bad faith conduct and retaliation**, violating **professional ethics and legal obligations.**

1. Abuse of Authority Under Color of Law

- **Intimidation and obstruction of the plaintiff constitute abuse of power.**
- **Violates federal statutes, including 18 U.S.C. §§ 241, 242, and 42 U.S.C. § 1983.**

2. Misrepresentation and Procedural Obstruction

- **Filing false bankruptcy records and ignoring legal notices constitutes intentional deceit.**
- **Professional ethics demand honesty and integrity, which the defendants failed to uphold.**

3. Retaliation Against Lawful Advocacy

- **Use of law enforcement for retaliation is both unlawful and unethical.**
- **Creates a chilling effect on civic and professional advocacy.**

C. Broader Ethical Implications

Defendants' misconduct has far-reaching consequences for ethical governance and public confidence.

1. Erosion of Public Trust

- **State misconduct diminishes confidence in government fairness and integrity.**
- **Addressing these failures restores public faith in accountability mechanisms.**

2. Undermining Professional Standards

- **Bad faith actions set a dangerous precedent for other state actors.**
- **Ensuring ethical standards preserves governmental legitimacy.**

D. Remedies for Ethical Violations

The Court should impose consequences to prevent future misconduct.

1. Sanctions for Ethical Breaches

- **Financial and procedural penalties for bad faith actions.**
- **Personal liability for state actors who abuse authority.**

2. Referral to Oversight Bodies

- **Disciplinary review by professional boards for potential credential suspension.**

3. Mandated Ethics Training and Reforms

- **Require training on constitutional rights, ethics, and transparency.**
- **Implement systemic reforms for stronger oversight.**

Conclusion: Enforcing Ethical Accountability

The defendants' misconduct represents a fundamental ethical failure. Judicial action is necessary to:

1. Set a precedent for ethical governance.
2. Reinforce professional accountability.
3. Restore public confidence in the rule of law.

XII. RETALIATION AND STATE OVERREACH**A. Retaliatory Conduct Violating Constitutional Rights**

The defendants misused state power to retaliate against the plaintiff, violating constitutional protections and federal statutes.

1. Retaliation for Asserting Federal Rights

- State Warrant in Case No. 24CM000976 was issued in retaliation for the plaintiff's federal claims under 42 U.S.C. § 1983.
- Timing and intent indicate malicious coercion, violating First Amendment rights (*Hartman v. Moore*, 547 U.S. 250 (2006)).

2. Due Process and Equal Protection Violations

- State warrant issued without notice or hearing violates Fifth Amendment due process (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).
- Targeting the plaintiff for legal advocacy constitutes Fourteenth Amendment equal protection violations (*Village of Willowbrook v. Olech*, 528 U.S. 562 (2000)).

3. Intimidation and Threats Under Color of Law

- Use of law enforcement for retaliation violates 18 U.S.C. §§ 241, 242.
- Threats and coercion created a chilling effect on advocacy.

B. State Overreach and Federal Jurisdiction Violations

Defendants encroached on federal jurisdiction, violating federal supremacy principles.

1. Federal Preemption of State Actions

- Plaintiff's claims fall under federal statutes, including 42 U.S.C. § 1983 and UCC Article 9.

- Issuing a state warrant to interfere with federal proceedings violates *McCulloch v. Maryland*, 17 U.S. 316 (1819).

2. Obstructing UCC Enforcement

- Defendants interfered with the plaintiff's UCC-1 and UCC-11 secured claims.
- Misuse of state power to block UCC enforcement undermines uniform commercial law.

3. Impact on Judicial Integrity

- State interference with federal proceedings undermines public confidence (*Younger v. Harris*, 401 U.S. 37 (1971)).
- Allowing state retaliation against federal litigants sets a dangerous precedent.

C. Legal Precedents Against Retaliation and Overreach

1. First Amendment Protections

- Retaliatory actions violate the First Amendment (*Hartman v. Moore*, 547 U.S. 250 (2006)).

2. Federal Supremacy

- State actions cannot override federal jurisdiction (*McCulloch v. Maryland*, 17 U.S. 316 (1819)).

3. Prohibition of Retaliatory State Abuse

- State officials misusing authority violate 42 U.S.C. § 1983 (*Monroe v. Pape*, 365 U.S. 167 (1961)).
- Federal courts must intervene against unconstitutional state actions (*Ex parte Young*, 209 U.S. 123 (1908)).

D. Remedies for Retaliation and State Overreach

1. Injunctive Relief

- Prohibit further retaliation and misuse of law enforcement.
- Reaffirm federal jurisdiction to prevent state interference.

2. Enhanced Punitive Damages

- Impose punitive damages for intentional misconduct.

Conclusion

This Court must **reverse and remand, award damages, issue an injunction, impose sanctions, and require systemic reforms** to uphold the **rule of law** and prevent further abuses.

XIV. FINANCIAL ANALYSIS AND DAMAGES

A. Direct Damages

- **Levy & Cash Flow Loss: \$24,400**
- **Bank Fees: \$500**

B. Indirect Damages

- **Lost Operational Income (April–Dec 2024): \$96,000–\$120,000**
- **Missed High-Value Contracts: \$200,000**
- **Reputational Harm: \$50,000**

C. Non-Economic Damages

- **Emotional Distress: \$200,000**
- **Judicial Integrity Harm: \$50,000**

D. Punitive Damages

- **Penalty for Willful Misconduct: \$500,000**

E. Statutory Penalties

- **Witness Tampering (18 U.S.C. § 1512): \$100,000**

F. Total Estimated Damages

- **Minimum Requested: \$1,075,000**
- **Potential Expanded Damages: \$1,975,000** (Includes lost high-earning potential & compounding reputational harm)

Legal Impact

- **Ensures accountability for state misconduct**
- **Upholds constitutional protections & deterrence**
- **Reflects real financial & professional harm**

XV. CONCLUSION

This appeal arises from a failure of the judicial system to address systemic constitutional violations, procedural misconduct, and statutory breaches perpetrated by state actors. At its core, this case reflects a profound disregard for the fundamental rights guaranteed to every citizen under the Constitution and federal law.

The defendants' actions—ranging from unauthorized property seizures and procedural obstructions to retaliatory intimidation and misuse of authority—underscore the need for judicial intervention to uphold the rule of law. Their refusal to comply with binding legal obligations under **UCC Article 9** and their pattern of evasion and bad faith further exacerbate the harm inflicted upon the plaintiff.

The district court's dismissal of the plaintiff's claims without addressing the full scope of constitutional, statutory, and procedural issues constitutes a failure of justice. By neglecting to:

- Allow the record to develop through summonses, discovery, and evidentiary proceedings,
- Enforce the plaintiff's rights under the **Fifth** and **Fourteenth Amendments**,
- Recognize and act upon the defendants' defaults under **UCC Article 9**,

the district court effectively enabled the defendants' misconduct and deprived the plaintiff of the opportunity for a fair and impartial adjudication of his claims.

This Court has a unique and critical role in correcting these errors. The appellate process serves not only as a mechanism for addressing individual grievances but also as a safeguard for ensuring the integrity of the legal system. By reversing the district court's order, this Court can:

1. **Uphold Constitutional Protections:** Reinforce the principles of due process, equal protection, and accountability under the **Fifth** and **Fourteenth Amendments**.
2. **Enforce Statutory Remedies:** Ensure that federal statutes, including **42 U.S.C. § 1983** and **18 U.S.C. §§ 241, 242, 1503, 1512, and 1513**, are applied as intended to prevent abuse of power and retaliation.
3. **Secure Commercial Rights:** Protect the enforceability of secured creditor rights under **UCC Article 9**, emphasizing the importance of adhering to legal and procedural obligations.

The stakes of this appeal extend beyond the immediate harm suffered by the plaintiff. The issues raised in this case touch on broader concerns of governmental accountability, the protection of individual rights, and the judiciary's responsibility to ensure that all parties are treated fairly under the law.

The plaintiff respectfully urges this Court to:

- Reverse the district court's order and remand the case with instructions to address the constitutional, statutory, and procedural claims raised.
- Provide clear directives for the enforcement of **UCC remedies**, including financial accountability for the defendants' defaults.
- Issue appropriate compensatory and punitive damages to remedy the plaintiff's financial, reputational, and emotional harm.
- Impose sanctions on the defendants and refer their conduct for federal investigation to ensure accountability and deter future violations.

This appeal represents more than a demand for justice in an individual case—it is a call to restore faith in the legal system's ability to protect the rights of its citizens and to hold state actors accountable when they abuse their power. The plaintiff respectfully requests that this Court exercise its authority to ensure that justice is not only served but seen to be served.

Respectfully submitted,

Thomas E. Camarda

Secured Party, Pro Se Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS

Thomas Camarda,

Plaintiff(s),

v.

Elizabeth Whitehorn, et al.,

Defendant(s).

Case No. 3:24-cv-50466

Judge Iain D. Johnston

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff(s)
and against defendant(s)
in the amount of \$ _____,

which ☐ includes _____ pre-judgment interest.
☐ does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

☐ in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

☒ other: Judgment entered in favor of Defendants and against the plaintiff.

This action was (*check one*):

- ☐ tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.
☐ tried by Judge _____ without a jury and the above decision was reached.
☐ decided by Judge Iain D. Johnston on a motions for summary judgment.

Date: 12/10/2024

Thomas G. Bruton, Clerk of Court

\s\Y. Pedroza, Deputy Clerk