

THE FOLLOWING PAGES ARE:

(1) Plaintiff Dean R. Kibbe's Motion for Perpetual Mandatory Injunction..., 33 pages filed with the court, plus 2 extra pages following, which consist of a 1 page description of a better copy of Exhibit A, followed by a copy of Exhibit A

Followed by:

(2) Defendant's Response to Plaintiff's Motion, 6 pages

Followed by:

(3) Plaintiff's Reply to Defendant's Response to Plaintiff's Motion, 10 pages

The pages filed with the court are also available on the PACER website.

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEAN R. KIBBE,

Plaintiff,

Case No. ~~17-1288~~

17-12288

vs.

Judge Victoria A. Roberts

THE UNITED STATES, et al,

Defendants.

F I L E D
NOV 27 2017
CLERK'S OFFICE
DETROIT

**MOTION FOR PERPETUAL MANDATORY INJUNCTION
COMPELLING THE DEFENDANTS UNITED STATES,
ET AL TO GUARANTEE AND PROTECT PLAINTIFF'S
RIGHT TO SMOKE OR OTHERWISE CONSUME, GROW,
HARVEST, POSSESS, ACQUIRE SEEDS FOR,
(INCLUDING BUT NOT LIMITED TO, IMPORTING
FROM OTHER COUNTRIES OR AREAS), AND TAKE ANY
OTHER NECESSARY ACTIONS WITH, MEDICAL
MARIJUANA; AND, COMPELLING THE DEFENDANTS
UNITED STATES, ET AL, THROUGH THE DEPARTMENT
OF VETERANS AFFAIRS, AND/OR OTHER AGENCIES
OR FUNGIBLE MEANS, TO COVER ANY AND ALL
EXPENSES AND OTHER BURDENS INCURRED FOR
DOING SO, WITHIN THE CONFINES OF MY OWN**

PROPERTY, TO ENABLE PLAINTIFF TO EFFECTIVELY AND SAFELY MANAGE PLAINTIFF'S 100% SERVICE-CONNECTED COMBAT RELATED CONDITION OF POST TRAUMATIC STRESS DISORDER, WITHOUT THE BURDEN OF ANY REQUIREMENTS FOR LICENSE, PRESCRIPTION, AND/OR ANY OTHER CONDITIONS NOT PRESENTLY ESTABLISHED FOR ANY OTHER KIND OF HARMLESS VEGETABLE, SO THAT PLAINTIFF HAS A FAIR CHANCE, AS A PRO SE LITIGANT IN THE INSTANT CASE, AND ANY OTHER CASE OR SITUATION, TO OBTAIN PROCESS WHICH MEETS THE STANDARDS OF DUE, BY CONSTITUTIONAL, EQUITABLE, AND ALL OTHER MEANS, GUARANTEES, AND PARAMETERS OF TRUTH, JUSTICE, FAIRNESS, DECENCY, AND SENSIBILITY, AND ALL OTHER MEASURES FOR A BORN HUMAN BEING

NOW COMES Dean R. Kibbe, Plaintiff, in pro per, hereafter me, myself, or I, and as a Motion for Perpetual Mandatory Injunction...

states as follows:

Pursuant to Local Rule 7.1, concurrence in the relief requested in this motion was requested but was not obtained. (Exhibit B, Emails between Plaintiff and Defendant).

1. I am a viable and born human being, entitled to the same substantive due process rights as any other human born in Michigan.

2. I have 100% service-connected PTSD, as a result of combat experiences in Viet Nam, so severe I can not leave my home.

3. I am a layman, with no legal training, acting in pro per; but, I am an expert witness on findings of fact.

4. My handicap of PTSD makes it difficult for me to overcome the depression, anxiety, horrifying nightmares, sleep problems, other side effects of PTSD, which in turn makes it extremely difficult for me to do the legal research, organization and collating of data, typing, and other burdens necessary for me to fairly and effectively complete a successful response to the defendants' motion for summary judgment, within the extended time period, against the full weight of the United States Attorney and the Department of Justice.

5. I know from many years of first hand experience that Marijuana is the best medicine available for PTSD, it is totally non-addictive, it has no harmful side effects, it has never killed anyone, the so-called "high" obtained from smoking pot is actually a relatively mild psychedelic which increases awareness, enhances creativity, expands the human consciousness, and relieves depression, which leads to an increase in happiness; and, unlike booze, (which

decreases consciousness and even has the potential to cause complete loss of consciousness), can only get you to a limited level of "high", even if you smoke more pot to sustain the expanded consciousness effect, although I haven't smoked pot in a long time only because I don't want to risk losing my home to forfeiture laws at this time, especially since I have been homeless in the past.

6. The medicine most commonly prescribed by the Department of Veterans Affairs, and similar bloodletting professionals, as a remedy to PTSD, has the admitted potential side effects of severe depression and suicide.

7. According to statistics, since 2001, more veterans have died from suicide than have died from combat.

8. Many prescription pain killers are extremely addictive, can kill a person from an overdose, can cause a person to go to extreme, often illegal and/or violent measures that they would not have otherwise gotten involved with to feed their costly addiction; and, prescription pain killers can completely destroy a human life, if they even survive, despite being regulated by doctors without morals and made by greedy pharmaceutical companies legally, in conspiracy with the Drug Enforcement Agency.

9. Because the DEA is given the fascist power, without fair and truthful checks and balances, to base their actions of what the entire world knows is a complete "Reefer Madness" lie, that is classifying Marijuana as being the same

as Heroin and other addictive and harmful substances, the DEA is, by customs, usage, and statutory provisions, in actual fact, a violent, gun-toting strong arm enforcer for a pseudo-legalized, unconstitutional, racketeer influenced corrupt organization of pharmaceutical and medical professionals, tobacco companies, etc., operating under color of law, to persecute pot smokers and deny substantive due process rights of privacy and freedom, substantive due process rights to inhale, substantive due process rights to happiness; and, the rights to equal protection, since the addictive competition of the tobacco industry is not burdened by being under the prisonship of a controlled substance act, and Marijuana is not given treatment based on truth, and justifiable state interests, as Heroin and similar substances are, with the term "abuse" being nothing more than a glittering generality, subject to the whims of the politically and economically powerful profiteering, addiction fed conglomerates.

10. It is necessary for me to obtain the rights to relief sought herein through a Perpetual Mandatory Injunction, prior to preparing for effective pursuit of the instant case, rather than a separate civil suit and/or obtaining medical Marijuana through the Michigan provisions, without any need or requirement for ID, license, prescription, and/or other burden, for reasons elaborated in the supporting brief.

11. The instant case is a matter of life and death, literally, for myself,

J.F.K., potentially thousands of murdered marines and corpsmen, and any potential future victims of the C.I.A. and/or similar groups, who have denied equal protections, and all other rights, of persons who are not given a special privilege of unjustifiable secrecy which allows them to thwart the reasonable and usual checks and balances, and get by with murder and other atrocities, as stated in the Complaint, and Brief in support of this Motion, in the instant case.

12. Since this case is complicated, involving more than one agency, in more than one way; and, being that a suit against a federal agency or agent is considered as a suit against the United States, the defendant caption of the United States, et al is correct, as may be more evident upon discovery.

13. Although in a civil suit the burden of proof is by a preponderance of the evidence, in order for me to see real justice in the instant case, it is necessary to gather enough evidence to prove the allegations made in the Complaint against the Central Intelligence Agency beyond any reasonable doubt, in order to have any chance of beating the lies and secrecy used by the C.I.A. to escape prosecution, which makes it critical that I obtain enough information to verify that the C.I.A. ran Vietnamese spies out of the CAP units every single day, to establish a motive for the C.I.A. to murder CAP marines to keep their covers a secret.

14. This case raises many extremely important constitutional, statutory,

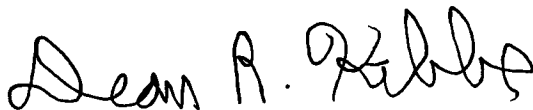
and moral issues which could affect many persons, which makes it essential for me to obtain medical Marijuana in a safe and permanent format to be able to pursue my due process rights.

15. The defendants, through the Department of Veterans Affairs and/or other fungible agencies or means, have an obligation to guarantee and protect my right to medical pot, and assume all costs and other burdens, for the reasons stated in the Brief in support of this Motion.

Pursuant to Local Civil Rule 7.1, concurrence in the relief requested in this motion was requested, but was not obtained. (Exhibit B, emails)

WHEREFORE Dean R. Kibbe, Plaintiff, in pro per, submits the above as a Motion for Perpetual Mandatory Injunction...

Dated: November 25, 2017



**Dean R. Kibbe
Plaintiff, in pro per
1223 Union Street
Port Huron, MI 48060
email: angels@saintvibiana.com**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEAN R. KIBBE,

Plaintiff,

vs.

THE UNITED STATES, et al,

Defendants.

Case No. ~~17-1288~~

17-12288

Judge Victoria A. Roberts

FILED
NOV 27 2017
CLERK'S OFFICE
EAST LANSING, MI

BRIEF IN SUPPORT OF MOTION

NOW COMES Dean R. Kibbe, Plaintiff, in pro per, and as a Brief in Support of Motion states as follows:

ISSUE PRESENTED

Whether Plaintiff has a substantive due process right to inhale.

INDEX OF AUTHORITIES

Roe v. Wade, 410 U.S. 113 (1973)

eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388, 391 (2006)

INDEX OF EXHIBITS

EXHIBIT A:

A copy of an image capturing South Vietnamese General Nguyen Ngoc Loan, chief of the National Police, firing his revolver into the head of suspected Viet Cong officer Nguyen Van Lem, (also known as Bay Lop), on a Saigon street on February 1, 1968, early in the Tet Offensive, taken by AP photographer Eddie Adams. To the far left is a person wearing standard combat gear, with helmet and camouflage jungle utilities, presumably accompanied by jungle boots, similar to what CAP marines and South Vietnamese Popular Forces troops wore inside the CAP unit, and when on combat missions outside of the CAP unit, with bush hats being an alternate option for a helmet. The man shown being shot in the head is wearing what was the standard uniform for the South Vietnamese spies who routinely left the CAP unit at first light, carrying no visible weapons, dressed like they were going to a dance at a local disco in some town in the 1960s, in the United States or some similar urban setting, with permanent press shirt and trousers, with spit-shined black leather shoes; an outfit that stuck out like a clown suit in the remote countryside of Viet Nam where the CAP unit was located, in an area where the normal Vietnamese garb was the traditional pajama like clothing, often along with the traditional cone shaped hat. After leaving the CAP unit, the spies walked down a dirt road to a nearby hamlet, a setting containing a few grass huts, where they presumably met up with a small vehicle which would take them to the urban city they worked in, trying to infiltrate the Viet Cong infrastructure. The spies would return to the CAP unit just before dark, where they would change back into jungle utilities, gather in the "squad leader" headquarters, along with South Vietnamese interpreters; and, along with the "squad leader", "intelligence officers", and any other persons necessary, they would translate, transcribe, and collate, all information gathered by the spies for the day, which data was sent off daily inside of empty food containers loaded onto a helicopter, at a landing zone just outside the perimeter of the CAP unit...

INDEX OF EXHIBITS (CONTINUED)

EXHIBIT B

A copy of emails in which Plaintiff tried unsuccessfully to obtain a stipulation agreement with the defendant.



EXHIBIT A

Subject:

From:

Date: Fri, Nov 24, 2017 7:17 am

To: zak.toomey@usdoj.gov

stipulation

<angels@saintvibiana.co (Add as Preferred
m> Sender)

Mr. Toomey:

Pursuant to Local Civil Rule 7.1, would you be willing to stipulate to my Motion for Perpetual Mandatory Injunction Compelling the Defendants United States, et al to Guarantee and Protect Plaintiff's Right to Smoke or Otherwise Consume, Grow, Harvest, Possess, Acquire Seeds For, (Including But Not Limited to, Importing from Other Countries or Area), and Take Any Other Necessary Actions with, Medical Marijuana; and, Compelling the Defendants United States, et al, Through the Department of Veterans Affairs, and/or Other Agencies or Fungible Means, to Cover Any and All Expenses and Other Burdens Incurred for Doing So, Within the Confines of My Own Property, to Enable Plaintiff to Effectively and Safely Manage Plaintiff's 100% Service-connected Combat Related Condition of Post Traumatic Stress Disorder, Without the Burden of Any Requirements for License, Prescription, and/or Any Other Conditions Not Presently Established for Any Other Kind of Harmless Vegetable, So That Plaintiff Has a Fair Chance, As a Pro Se Litigant in the Instant Case, and Any Other Case or Situation, to Obtain Process Which Meets the Standards of Due, By Constitutional, Equitable, and All Other Means, Guarantees, and Parameters of Truth, Justice, Fairness, Decency, and Sensibility, and All Other Measures for a Born Human Being?
Dean R. Kibbe

angels@saintvibiana.com

(Email brought no response)

EXHIBIT B

ARGUMENT

I am unable to leave my home because of 100% service-connected PTSD as a result of combat experiences in Viet Nam. The VA doesn't try to drive veterans to suicide. They want you to walk, so you don't hurt the Polar Bears.

Who is treated with more respect, senior citizens, or veterans? The design of the VA benefits system is to cheat veterans out of benefits they are entitled to, and have a need for, such as pension, compensation, and medical treatment, by creating so many delays and burdens in the veterans' lives that many are driven to suicide, or die of old age, war wounds, or other causes before they are ever granted benefits they are entitled to. Many events caused by the VA system are depressing and traumatizing to veterans, such as delays, (commonly of many years), repetitive remands that grant those VA benefits that are finally granted in small segments at a time, making it necessary for several denials, appeals, and more denials or remands, which both usually accomplish little if anything, until finally getting the full entitled benefits granted, if ever. The Department of Veterans Affairs makes local private treatment of medical conditions, even for veterans receiving 100% service-connected disability, so restricted, except in life threatening emergencies, if then, and inconsistent,

(often denying coverage for the exact same situations that have been previously covered, leaving the veteran stuck with the bill), that it is too high of a risk for veterans and medical providers to try to get medical coverage, unless they are willing to become prisoners of the inhumane VA hospitals. If your total work credits under Social Security amount to less than three years, you will never be eligible for Social Security retirement benefits and/or Medicare, even if you survive to 65 years old, even if you were permanently and totally disabled while you were in the military by a 100% service-connected condition. Senior citizens eligible for Social Security receive Medicare, which covers part of their medical costs, which they are allowed to receive, along with their privacy, or as much as can be obtained in a secret police state, for treatment by civilian medical providers. They are never forced to be trapped into going to an old geezer hospital where the government that treats them worse than animals at a dog pound takes away their privacy and freedom and tries to brainwash them and control their lives. Veterans are treated as if they are animals and the VA hospitals and clinics are the only veterinarians. According to statistics, since 2001, more U.S. service members have taken their own lives than have died on the battlefield. A very large part of the blame is on the Department of Veterans Affairs. Many people, when confronted by a veteran who is in a bad situation because of real problems, often caused in large part by the inhumane policies of

the VA, say they are going to try to get them "help". What they really mean is that they don't want to burden themselves by trying to figure out what the real problems are, and helping to find an actual solution. But, they would rather get rid of that burden by pushing the problem onto somebody else, and those persons can quiet the problem veteran with stupefying drugs, even drugs that can have depression and suicide as an admitted side effect. Drugs that can drive you to suicide don't make things any better when you're sleeping on snow, or on a heating grate in downtown Detroit. Maybe the VA and the DEA should be labeled as terrorist organizations. They have more confirmed kills than all other terrorist clans combined. The VA claims to have me fully covered for medical costs, even those not service-connected, because I have been granted 100% service-connected veterans compensation. Since they do not do that because their policy causes suicides instead of helping PTSD, I maintain the court has the right to, by equitable construction, order the VA, and/or whatever government agencies are necessary, to provide me, with no license, ID, prescription, or any other burdens necessary, and to cover all costs and other burdens necessary to allow me to act as my own medical provider, in the privacy of my own home, with medical Marijuana, so that I can obtain my due process rights as elaborated above.

The main "medicine" used by the VA for treatment of PTSD is a class of

antidepressants known as SSRIs. SSRIs interfere with the normal reuptake of serotonin, based on a hypothesis that altering serotonin levels helps to lower depression. An association has been made between depression and serotonin. Scientists remain unsure whether decreased levels of serotonin contribute to depression or depression causes a decrease in serotonin levels. Although it is possible to measure the level of serotonin in the bloodstream, via a serum serotonin level test, it is currently not possible to measure serotonin levels within the brain. Researchers do not know whether serotonin levels in the bloodstream reflect the serotonin levels in the brain. In other words, they have been using us as Guinea Pigs with fatal results, based on the theory that Doctor Mengele can do no harm. These very drugs they hope can treat mental illness are at the same time drugs that cause violent behavior including suicide and aggression towards others. In fact, SSRIs are the leading drugs in a recent list compiled of the Top Ten Drugs that cause violent behavior. In October 2004, after much hesitation and pressure from parents and Congress, the FDA issued a Black Box Warning for physicians and pharmacists-its strongest available measure short of withdrawing a drug from the market. The warning is placed on package inserts for all antidepressants in common use. It mentions the risk of suicidal thoughts, hostility, and agitation in both children and adults, specifically citing statistical analyses of clinical trials.

Monopoly game debate teams for the rich, relying on procedural and statutory process alone, deny due process and equal protection rights for the poor, the blind, the mentally challenged, and most other persons, who have just as much right to live as the rich who can afford to hire lawyers, buy companies, and lobby politicians, and use fiat money which no longer has any gold or silver to back it up in order to enslave the masses. Unemployment means there is a worker surplus. If the High Commander for cars, General Motors, juggles numbers around to make it look like he is broke, he can get huge amounts of cash from the government in a "bail out", even with huge amounts of cars and other inventory; but, if a poor person is broke, has nothing, even food, and wants to collect welfare, he is treated as a "bum", and might be forced to choose between either involuntary servitude for the County Work Program, as a slave for the government, or living outside, which is why some people choose to be homeless if the only other option is to be treated like a prisoner on the chain gang for the crime of losing at the monopoly game which is supposed to benefit everyone equally with dignity and the right to live, with resources obtained by the rich through the labor of the working class and welfare recipients. The agents of the government are supposed to be servants of the people; which means we, the people, hold the whip, and they pick the cotton, not the other way around. If someone is entitled to a substantive due process

right that is implied by its necessity in order for all other rights to exist, where procedural and statutory process fails, there has to be a constructive equity by the court to fit the instant case, even if no such equity has a precedent in the monopoly game debates. Roe v. Wade, 410 U.S. 113 (1973).

I need the weed to finish the deed, for reasons stated above and below in the instant case. I have been sandbagged by the defendants, who have even done things that might endanger my computers and/or my attempt to seek my due process and equal protection rights, in the instant case, and over a period of several decades. The screenshots in Exhibit B of my Complaint, Doc 1, Pg ID 51-57, demonstrate the Department of Defense's use of a type of malware designed to target my I.P. address/computers, to do who knows what. Although some nowadays might say if the government wanted to attack my computer by finding vulnerabilities, it wouldn't be very clandestine for them to expose their I.P. address in the process. But, this was 2005 technology. At that time they had no reason to expect any civilians would have software on their computers which could track attempted hackers. If you look at my Complaint, Doc 1, Pg ID 58, and look at the URL listed at the top of the NIC home page, which I easily navigated to after I caught them, you will see it begins with http://, rather than https://, which means it was, by current standards, an unsecured website, with no SSL certificate and accompanying encryption. That might have been OK for

a single web page used to display simple read only information, with no interaction with other computers; but, it wasn't that great for trying to spy on a Mad Scientist with PTSD and tracking software. The Department of Defense's Network Information Center was the internet provider for the Defense Information Systems Agency, used by dangerous people, like the President of the United States, the Joint Chiefs of Staff, etc., similar to internet providers like AOL, Comcast, ATT, etc., used by civilians.

After I notified Senator Levin's office that I had caught NIC trying to hack my computers on more than one occasion, and provided sample screenshots of the information I collected from the traces, in the then naive hopes that he could scold them and tell them to stop digitally harrassing me, I noticed that the next time I traced an attempted hack, and it was them again, they had altered the results to say that they were located in Columbus, Ohio, instead of Vienna, Virginia. Since simple logic told me it was highly improbable they could relocate their servers to Columbus that quickly, if ever, I presumed it was just a planted lie to hide the true information, since nobody had called them out before on attempted hacks. Since they were the criminals and not me, I sent a letter to them, at their Vienna, Virginia address listed in earlier traces, (see Complaint, Doc # 1, Pg ID 46), which said: "So, what's in Columbus, an L-shaped ambush?". They apparently don't share my sense of humor/rhetorical

a single web page used to display simple read only information, with no interaction with other computers; but, it wasn't that great for trying to spy on a Mad Scientist with PTSD and tracking software. The Department of Defense's Network Information Center was the internet provider for the Defense Information Systems Agency, used by dangerous people, like the President of the United States, the Joint Chiefs of Staff, etc., similar to internet providers like AOL, Comcast, ATT, etc., used by civilians.

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format. I received a message on my answering machine from the Defense Logistics Agency, allegedly in Ann Arbor, Michigan, stating that they would like to "touch bases" with me about the letter I sent to the Department of Defense's Network Information Center. When I called them back, I explained that I had complained to Senator Levin's office about NIC trying to hack me, and it was easy for me to figure out, when the trace info changed to a Columbus address, that they had not really moved, but were trying to fool me into thinking they had. The person I talked to laughed at one point; but, since it is not illegal to catch someone in the government trying to hack you, they really couldn't say too much more. They merely pointed out that a person in the mail room might not understand what the reference was to. They didn't provide me with any significant data in the phone call; but, at least I know that they were aware that I could track them if they tried to mess with my computer. Now it is not easy to just navigate to the nic.mil website, whois no longer lists current information for the site, and at one point in time when I updated the software I used to trace them, the tracing feature was no longer a part of the package, with no answer from tech support on why the feature disappeared.

Although this Motion for Perpetual Mandatory Injunction... is not a response to the defendant's frivolous Motion for Summary Judgment, I will point out a few flaws in the defendant's feeble-minded attempt at logic, to

demonstrate the complications in findings of fact that make a case of this uniqueness and magnitude so stressful to a layman with no legal training who has severe PTSD that the relief sought is more than justified:

In regards to point A, in the defendant's brief, Doc #9, Pg ID 104, it is claimed the defendants conducted an adequate search. It is not a reasonable search when a request for the complete unit diaries, described in further detail to the FOIA office by email, results in what is basically a simple pay roster, with all non-exempt information missing. The determination of which further statutes may also apply, besides FOIA, such as The Federal Records Act, and/or other similar provisions, is undeterminable until the discovery process is allowed to proceed to determine what happened to the missing non-exempt files requested. Information submitted by the defendants looks more like cover sheets than anything resembling diaries. I can't risk that I might miss some procedural and/or other types of technicalities which might cause failure of my future response to the defendant's motion for summary judgment because my handicap of PTSD prevents me from researching and collating an effective response according to F.R.C.P. when I have no legal training. I am due a fair chance. The defendants left out all non-exempt records of military actions in the Combined Action Program, which are supposed to now be unclassified by law, as well as white listing all records of spy activities in CAP, exempt personal

information and non-exempt material. I did not object to redaction of exempt material, just missing records that should be included. The defendant does not invoke secrecy laws for information about spy activities; but, rather denies there were any spy activities at all. I was there every day, before most of the employees of the government were even born, and saw and heard what the spies did. (Exhibit A)

In regards to point B, in the defendant's brief, Doc # 9, Pg ID 105, it is claimed that the defendant's withholdings are proper under the privacy act and FOIA. Yet the statements in email conversations used as exhibits in the defendant's motion, Doc # 9, Pg ID 110, completely dispute that statement. Further, in the defendant's answer to my Complaint in the instant case, regarding paragraph 2., in Doc # 1, Pg ID 1 and Doc # 1, Pg ID 2, which states: "The Combined Action Program, referred to as 'CAP', was a merger of ground combat troops and spies, operating out of command posts known as 'CAP units'." (see exhibit A in this brief), the defendant answers, in Doc # 8, Pg ID 90, "2. Deny."; which means the defendants are claiming that I am trying to obtain records for beings that didn't exist. If those aren't disputed findings of fact, I don't know what are.

In regards to point C, in the defendant's brief, Doc # 9, Pg ID 106, the defendant claims Plaintiff is not entitled to a Permanent Injunction. The

defendant cites a four-factor test for a plaintiff seeking a permanent injunction, in eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388, 391 (2006), a patent case dealing with business trade of material goods and/or services, which does not preclude a fungible equitable solution by a trial court in other cases. In said four-factor test "A plaintiff must demonstrate:" (1) that it has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction. I'd say the defendant pretty much made my case for me on that one, for both my original Complaint, and this Motion. In the first place, I am not asking for a permanent injunction in a motion for summary judgment in the Complaint prior to discovery. The defendant, through their representative, the U.S. Attorney's Office, states: "The CIA is not monitoring plaintiff's communications and plaintiff cannot offer any credible evidence to dispute this fact." How in Hell would they know? Even the C.I.A. would have a hard time determining that. They didn't know there were spies operating out of the CAP units.

In point C. in the defendant's motion, Doc # 9, Pg ID 106, it states in one part: "Indeed, his complaint does not actually allege that the CIA is monitoring

him, but instead admits that this is only plaintiff's suspicion based on an implausible connection between the location of a web server and George W. Bush's ranch(which is not a CIA office)". I am not basing my claim for a Permanent Injunction on the basis of the attempted hacking by the Department of Defense's Network Information Center, which is proven by a preponderance of the evidence through the trace screenshots in the Complaint, Exhibit B, Doc # 1, Pg ID 51 through Pg ID 57, although that is a factor, being a means which the C.I.A. has the potential to use, but rather the need for the federal court equivalent to a personal protection order, citing possible weapons of sabotage, obstruction of justice, revenge, and/or other adverse action which might be used by the C.I.A., based on motives and past acts, like the fact that they tried to blow my brains out using the same fire pattern used in the J.F.K. assassination, I have enough knowledge to pose a risk that persons in the C.I.A. might be given the death penalty for the murder of marines in the Combined Action Program, and/or persons in the U.S. government, the defendant, since a suit against an agency of the U.S. is considered as a suit against the U.S.; which are findings of fact to be determined as a trial matter. You don't get X-ray reports from a gunshot wound that match the verified J.F.K. autopsy report to the millimeter from a figment of your imagination, (see Doc # 1, Pg ID 20 and Doc # 1, Pg ID 21). While such a federal court protection order might

not be any more effective than personal protection orders under state laws, where women with protection orders are frequently murdered by spouses or boyfriends ignoring those orders, it might at least act as a risk of contempt of court to those who might consider violating my rights in any of those ways. Further, the facts in the instant case are complex and profound in nature; and, through the discovery process it might result in a determination based on proven relevant facts which justify an Amended Complaint and/or the granting, through paragraph 24. in the Complaint, Doc # 1, Pg ID 10: "Any other relief deemed just and proper.". Reasons it is to the benefit of all to find a reasonable solution in this case are that I am still alive, I refuse to die, I will not be intimidated, my hypervigilance from PTSD is an advantage for survival, I am totally dedicated to bringing the Central Intelligence Agency to justice; and, I am not going away because I am in for the duration with a dead gameness of any Pit Bull. As far as the statement in the defendant's motion for summary judgment, Doc # 9, Pg ID 106: "Indeed his complaint does not actually allege that the CIA is monitoring him, but instead admits that this is only plaintiff's suspicion based on an implausible connection between the location of a web server and George W. Bush's ranch (which is not a CIA office).": in the first place, I never said the C.I.A. was trying to hack into my computers. I stated, and proved with tracer screenshots, that the Department of Defense's Network

Information Center tried to hack into my computer. This was around the time when the report about the C.I.A. murdering CAP marines was transferred from the Senate Investigations Subcommittee to the Senate Armed Services Committee, assigned to Peter Levine, General Counsel, Senate Armed Services Committee, in 2005, after which I could no longer, after a certain point, obtain any answers as to what happened to the case, if any significant effective investigation was actually done, or if the C.I.A. managed to sandbag the case through secrecy laws. Since I was a witness in the case, it could be proposed as a possibility that the NIC was "probing the lines", to see if I had any information on my computers which might be useful to the case. (see Complaint, Doc # 1, Pg ID 46). I understand that an investigation of this nature and magnitude might have to remain temporarily a secret, if it isn't sandbagged for some reasons. That is why it is necessary for me to get those files from CAP. After a recent well-publicized presidential pardon of a convicted federal felon, and memory of Nixon's pardon of Lt. Calley, it has occurred to me that it is important to get enough evidence to prove the case beyond any reasonable doubt, so there will be a chance of public support for justice in the matter. The fact that a Department of the Navy computer, through their internet provider, the Department of Defense's Network Information Center, tried to hack into my computer, raises the probability they were looking for any information my

computer had on CAP, since CAP officially was under jurisdiction of the Third Marine Amphibious Force, which was part of the Department of the Navy. As far as the George W. Bush ranch, what is implausible is that this could be anything but somebody on a computer at the George W. Bush ranch, since it was traced from a computer in Texas, which had to have had top secret passwords and access clearance needed to log into the Department of Defense's Network Information Center in Vienna, Virginia, using whatever port scanning program they had, which connected through the NIC servers to the main internet hub, where they entered the same worldwide web as everyone else, and managed to seek out and find my I.P. address, which wouldn't be that difficult to find out, although, as far as I know, my secure firewall was able to block them each time. As far as the Bush ranch being a C.I.A. office, I never said it was. But, it does demonstrate one possible route which has been used before which the C.I.A. could covertly gain access to, or maybe someone in the military who would try to protect the C.I.A. from prosecution. These are all findings of fact anyway. Just because the U.S. Attorney doesn't understand how hackers route scanning programs all around the world, from China, ranging from rice farmers to Petroleum Universities, where most hackers route through hubs in either Shanghai or Beijing, to the U.S., with huge hubs in the middle of the country, to just about everywhere in the world except Antarctica and North

Korea, doesn't mean that there are no hackers, including, but not limited to, in government agencies.

There is a lot at stake if the C.I.A. goes down for mass murder/serial killing of marines. Some people would try to prosecute, in a case like this; some would rather sweep it under the rug. I doubt that George W. Bush would testify under penalty of perjury that, during his administration, there were not several computers, with large screens, which hooked up to the internet through the Defense Information Systems Agency's internet provider, that is, the Department of Defense's Network Information Center in Vienna, Virginia. I didn't know they teach about hacking in law school.

Since all findings of fact in the Complaint have to be considered as true for the sake of a dismissal/summary judgment, and the burden of proof for Plaintiff in a civil suit is by a preponderance of the evidence, I have established a prima facie case to justify all of the demands in the Complaint, and more upon discovery data acquisition, even by the inadequate statutory provisions of the general public FOIA parameters, since the files have been unconstitutionally white listed of all information about the spy activities of South Vietnamese spies operating out of the CAP units, which is necessary for me to establish motive in the instant case. I know of one particular CAP unit which I was very familiar with while I was in Viet Nam, which I was informed

by another marine who had no motive to lie, was over run. Yet, there is not one notation about it in the Command Chronologies unclassified for the public. How much data of these files has been sandbagged by the C.I.A.? This is a world where if somebody says: "I could tell you but then I'd have to kill you." they might not be joking. Secrecy is the dark shadow where evil gathers to conspire.

The court could even, by judicial notice, laugh the defendant's frivolous motion out of court, grant me a summary judgment, and grant this motion...

WHEREFORE Dean R. Kibbe, Plaintiff, in pro per, submits the above as a Brief in support of Plaintiff's Motion for Perpetual Mandatory Injunction...

Dated: November 25, 2017



Dean R. Kibbe
Plaintiff, in pro per
1223 Union Street
Port Huron, MI 48060
email: angels@saintvibiana.com

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEAN R. KIBBE,

Plaintiff,

vs.

THE UNITED STATES, et al,

Defendants.

Case No. ~~17-1288~~

17-12288

Judge Victoria A. Roberts



CERTIFICATE OF SERVICE

This is to certify that Plaintiff's Motion for Perpetual Mandatory Injunction..., and Brief in support of said Motion, were served on the defendant, Zak Toomey, Assistant U.S. Attorney, 211 W. Fort Street, Suite 2001, Detroit, MI 48226, by depositing the same in the U.S. mail on November 25, 2017.

Dated: November 25, 2017

Dean R. Kibbe
Dean R. Kibbe
Plaintiff, in pro per
1223 Union Street
Port Huron, MI 48060
email: angels@saintvibiana.com

DEAN R. KIBBE
1223 UNION STREET
PORT HURON, MI
48060



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CLEARER COPY OF EXHIBIT A FOLLOWS THIS PAGE
TO COMPENSATE FOR COURT SCAN WHICH IS HARDER TO SEE.



EXHIBIT A

United States District Court
Eastern District of Michigan

Dean R. Kibbe,

Plaintiff,

Civil No. 17-12288

v.

Honorable Victoria A. Roberts
Mag. Judge Stephanie Dawkins Davis

United States of America, et al.,

Defendant.

**Defendant’s Response to Plaintiff’s Motion for “Perpetual
Mandatory Injunction,” (Dkt. 12)**

In plaintiff’s motion, he asks the Court to enter an order preventing the DEA from enforcing federal narcotics laws so that he can consume marijuana while he prepares his response to defendant’s motion for summary judgment and asks the Court to compel the U.S. Department of Veterans Affairs (VA) to assist him in obtaining and purchasing marijuana. (*See* Dkt. 12). Defendant respectfully requests that the Court deny plaintiff’s motion because plaintiff has not established this Court’s jurisdiction for such relief and because plaintiff’s consumption of self-prescribed, unregulated narcotics while preparing a legal brief is unlikely to result in a useful discussion of the issues.

A. Plaintiff Has Not Established Jurisdiction for the Relief Sought

“It is axiomatic that the United States may not be sued without its consent and that the existence of consent is a prerequisite for jurisdiction.” *Munaco v. United States*, 522 F.3d 651, 652–53 (6th Cir. 2008) (quoting *United States v. Mitchell*, 463 U.S. 206, 212 (1983)). Sovereign immunity “extends to agencies of the United States” or “federal officers [acting] in their official capacities.” *Muniz-Muniz v. U.S. Border Patrol*, 741 F.3d 668, 671 (6th Cir. 2013); *Whittle v. United States*, 7 F.3d 1259, 1262 (6th Cir. 1993).

Plaintiff has filed this suit under the Freedom of Information Act challenging the sufficiency of the U.S. Marine Corps’ response to his request for records. (Dkt. 1). The Freedom of Information Act (FOIA or the Act) waives the sovereign immunity of federal agencies by authorizing federal courts to “enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant,” upon a showing that the agency improperly withheld such. *See* 5 U.S.C. § 552(a)(4)(B); *see also United States Department of Justice v. Tax Analysts*, 492 U.S. 136, 142 (1989).

However, FOIA does not waive any federal agency’s immunity from attempts to enjoin it from enforcing federal criminal statutes. *See, e.g.*, 5 U.S.C. § 552. Accordingly, plaintiff may not use a suit under FOIA as a vehicle for attacking the government’s enforcement of federal drug laws.

B. The Agencies Plaintiff Seeks to Enjoin are Not Parties to this Suit

In plaintiff's motion, he attempts to enjoin the DEA from enforcing federal drug laws and seeks to compel the Department of Veterans Affairs to protect his "right to medical pot, and assume all costs and other burdens." (Dkt. 12, Pl. Mot. for Injunction, PgID 128, 131). However, because these agencies are not a party to this suit, plaintiff has not established this Court's jurisdiction to enter an order governing those agencies.

Plaintiff has captioned his case against the "United States, et al." (Dkt. 1). However, as explained in defendant's motion for summary judgment, (Dkt. 9, PgID 100 n.1), the proper defendant under FOIA is the agency responsible for responding to the FOIA request, not the United States. *See* 5 U.S.C. § 552(a)(4)(B); 5 U.S.C. § 552(f); *Peralta v. United States Attorney's Office*, 69 F.Supp.2d 21, 31 (D.D.C. 1999).

Plaintiff submitted the relevant FOIA request to the U.S. Marine Corps; therefore, the Marine Corps is the only federal agency that is properly a party to this case. Plaintiff's choice of caption does not establish personal jurisdiction over every federal agency, expand the reach of FOIA, or waive the sovereign immunity of other federal agencies, such as the DEA or the VA.

C. Plaintiff's Requested Relief is Contrary to Law

Plaintiff's motion seeks permission to import and consume marijuana and asks the Court to compel the VA to bear the costs. (Dkt. 12, Pl. Mot. for Injunction, PgID 128, 131). The DEA has a statutory obligation to enforce laws prohibiting the consumption, possession, and importation of marijuana. 21 U.S.C. §§ 802(6), (16), 812(c)(10), 841(a)(1), (b)(1)(A)(vii), 844(a), 952 (importing). Similarly, the U.S. Department of Veterans Affairs is required to follow all federal laws including those regarding marijuana. 38 C.F.R. § 48.610. Because the Food and Drug Administration classifies marijuana as Schedule I, 21 C.F.R. § 1308.11, the VA is prohibited by law from assisting veterans in obtaining marijuana. Accordingly, plaintiff's requested relief is prohibited by federal law.

D. Plaintiff's Requested Relief is Unlikely to be Effective

Plaintiff suggests that consuming unregulated narcotics will assist him in responding to defendant's motion for summary judgment. (Dkt. 12). Plaintiff admittedly suffers from severe PTSD, (Dkt. 12, Pl. Mot. for Injunction, PgID 138), and, in his filings, exhibits significant paranoid and delusional tendencies. (*See, e.g.*, Dkt. 1, Compl.); (Dkt. 12, Mot. for Injunction). Accordingly, it is likely unwise to facilitate plaintiff's self-medication for a variety of reasons, but, at the very least, because such conduct is unlikely to benefit plaintiff's legal reasoning and writing skills.

Conclusion

Defendant respectfully requests that plaintiff's motion for "perpetual mandatory injunction" be denied because the relevant federal agencies are immune from plaintiff's claims, the relevant agencies are not parties to this case, and plaintiff's requested relief is contrary to federal law.

Respectfully submitted,

Daniel L. Lemisch
Acting United States Attorney

/s/ Zak Toomey
Zak Toomey (MO61618)
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9617
Zak.Toomey@usdoj.gov

Dated: December 8, 2017

Certification of Service

I hereby certify that on December 8, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system.

I further certify that I have mailed by U.S. mail the paper to:

Dean R. Kibbe
1223 Union Street
Port Huron, MI 48060

/s/ Zak Toomey _____

Zak Toomey (MO61618)

Assistant United States Attorney

211 W. Fort Street, Suite 2001

Detroit, Michigan 48226

(313) 226-9617

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10

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEAN R. KIBBE,

Case No. 17-12288

Plaintiff,

vs.

Judge Victoria A. Roberts

THE UNITED STATES, et al,

Defendants.

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**Plaintiff's Reply to Defendant's Response to Plaintiff's Motion
for Perpetual Mandatory Injunction...**

**NOW COMES Dean R. Kibbe, Plaintiff, in pro per, hereafter me,
myself, or I, and as a Reply to Defendant's Response to Plaintiff's Motion for
Perpetual Mandatory Injunction states as follows:**

**1. Although, on arbitrary statutory grounds, Defendant's Response
might ordinarily have some merit; in the instant case it is inapplicable, due to
the constitutional issues presented, as elaborated in the Brief in support of this**

Reply to Defendant's Response to Plaintiff's Motion for Perpetual Mandatory Injunction, as well as in the said Motion itself, mandating unique unprecedented equitable nonstatutory relief by constitutional construction.

2. Because of the unlawful covert activities of the defendants, through interactions of numerous agencies, including, but not limited to, the Third Marine Amphibious Force, the United States Marine Corps, the Department of the Navy, the Combined Action Program, the Department of Defense, the Central Intelligence Agency, the Department of Defense's Network Information Center, the Defense Information Systems Agency, the Joint Chiefs of Staff, etc., as well as persons the defendants claim did not even exist, it is impossible to name all parties involved, as the release of the requested records have the potential to expand the instant case beyond that of a mere FOIA case, which can only be enumerated specifically upon reasonable discovery procedures, at the supervision of the court in the instant case. Although the Central Intelligence Agency has not been listed specifically as a party, the findings of fact include them under et al, since they are the primary perpetrators. Assuming arguendo all findings of fact alleged in Plaintiff's Complaint are true, it would be obvious that, since a suit against a government agent is considered as a suit against the United States, the arbitrary statutory divide and conquer strategy of the defendant is not constitutionally valid in the instant

case. In order for Plaintiff to be granted relief through process which meets the constitutional standards of DUE, it is necessary to stop their unconstitutional customs and usage of the war tactics used to deny the constitutional substantive due process rights to inhale, to obtain actual medical relief, instead of murder. Plaintiff is a long time expert on the harmless medical benefits of pot, being one of a class of persons, namely senior citizens, who invented pot.

3. Sovereign immunity, an antiquated concept that the king can do no wrong, is not an absolute bar, and is not applicable in the instant case.

4. The classification of Marijuana as Schedule I is not lawfully and/or constitutionally valid for reasons stated in Plaintiff's Motion; and, therefore, the argument raised by the defendants in "C." in the defendant's response, (Doc # 13, Pg ID 161), is completely invalid.

5. The defendant's attorney, although apparently considered by some as sane enough to practice law, seems to imagine the exhibition of "significant paranoid and delusional tendencies" in other persons, although he does not manifest the compos mentis to name even one of those delusions.

WHEREFORE Dean R. Kibbe, Plaintiff, in pro per, submits the above as a Reply to Defendant's Response to Plaintiff's Motion for Perpetual Mandatory Injunction...

Dated: December 13, 2017

A handwritten signature in black ink that reads "Dean R. Kibbe". The signature is written in a cursive style with a large, stylized initial 'D'.

**Dean R. Kibbe
Plaintiff, in pro per
1223 Union Street
Port Huron, MI 48060
email: angels@saintvibiana.com**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEAN R. KIBBE,

Plaintiff,

vs.

THE UNITED STATES, et al,

Defendants.

Case No. 17-12288

Judge Victoria A. Roberts

BRIEF IN SUPPORT OF REPLY

Since 2002, the United States has had the highest incarceration rate in the world. Although prison populations are increasing in some parts of the world, the natural rate of incarceration for countries comparable to the United States tends to stay around 100 prisoners per 100,000 population. The U.S. rate is 500 prisoners per 100,000 residents, according to the latest available data from the Bureau of Justice Statistics. (BJS). A person can kill their own baby before he or she is even born. Doctors will cut off your genitals, replace them with a hole, and call it a vagina instead of an in front rectum. Most people believe the "supreme court", who asks people to tell the truth, the whole truth,

and nothing but the truth, is as queer as a thirteen dollar bill; and, they wouldn't know what life is if it bit them in the ass.

In the "war on drugs", pot smokers use a harmless herb, for personal enjoyment, the pursuit of happiness, medical benefits, a social sisterhood and brotherhood, and as a means of rebelling against a political/economic system which exploits, yet oppresses them. Celebrities brag about smoking pot as if they are pioneers of freedom; although, they are part of the establishment that takes away everything poor people own for harmless weed, and never seem too concerned to boycott a state, or an event, like they do for "transsexuals" and "abortion rights". For the rich, life is just one big parade, where freedom is only worth fighting for if it is perverted or evil. Atheism has become the unofficial established state religion.

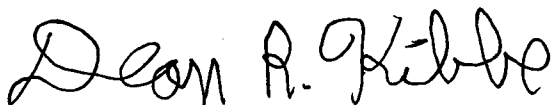
In the "war on drugs", narcs use M-16 rifles, like those used to kill humans in ground combat. If the .223 caliber round, used in an M-16, is the first round to strike an unprotected limb, it will tear that limb off to the nearest joint. You don't need to be a ballistics expert to figure out what it can do to a human head or torso. I remember hearing about a little girl killed by police in the Detroit area by police, in a botched drug raid. I don't need to know how many other similar cases there have been. For what? Freedom?

Yet with 100% service-connected PTSD I can't toke a joint in the

privacy of my own home without being threatened by the possibility that an armed rifle squad might break down my door to protect my freedom? Where is the clear and present danger, except to pharmaceutical, alcohol, and tobacco companies, and the police agencies which profit from asset forfeitures? How can anyone in the government think that civilians are dumb enough to believe in the freedom fairy? How is anyone supposed to tell if they are in prison?

WHEREFORE Dean R. Kibbe, Plaintiff, in pro per, submits the above as a Brief in Support of my Reply to Defendant's Response to Plaintiff's Motion for Perpetual Mandatory Injunction...

Dated: December 13, 2017



**Dean R. Kibbe
Plaintiff, in pro per
1223 Union Street
Port Huron, MI 48060
email: angels@saintvibiana.com**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEAN R. KIBBE,

Plaintiff,

vs.

THE UNITED STATES, et al,

Defendants.

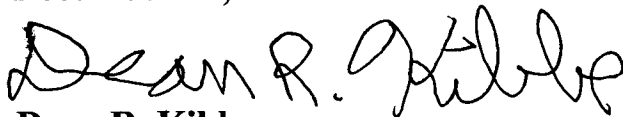
Case No. 17-12288

Judge Victoria A. Roberts

CERTIFICATE OF SERVICE

This is to certify that Plaintiff's Reply to Defendant's Response to Plaintiff's Motion for Perpetual Mandatory Injunction..., and Brief in support of said Reply, were served on the defendant, Zak Toomey, Assistant U.S. Attorney, 211 W. Fort Street, Suite 2001, Detroit, MI 48226, by FEDEX pickup on December 13, 2017.

Dated: December 13, 2017



Dean R. Kibbe

Plaintiff, in pro per

1223 Union Street

Port Huron, MI 48060

email: angels@saintvibiana.com

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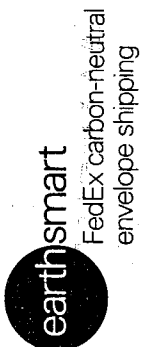


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