

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

JASON CORLEY and ZACHARY §
LONG; §

Plaintiffs, §

Civil Action No. 5:25-cv-86

v. §

UNITED STATES DEPARTMENT OF §
THE TREASURY; SCOTT BESSENT, §
in his official capacity as Secretary of §
the Treasury; FINANCIAL CRIMES §
ENFORCEMENT NETWORK; §
ANDREA GACKI, in her official §
capacity as Director of FinCEN; and §
the UNITED STATES OF AMERICA; §

Defendants. §

§
§

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Jason Corley and Zachary Long (“Plaintiffs”) seek relief from this Court against Defendants the United States Department of the Treasury (the “Treasury”), Scott Bessent in his official capacity as Secretary of the Treasury, the Financial Crimes Enforcement Network (“FinCEN”), Andrea Gacki in her official capacity as Director of FinCEN, and the United States of America (collectively, “Defendants”).

This lawsuit challenges the Federal Government’s ability to regulate the intrastate, non-commercial transfer of residential real estate to state-created corporate entities and trusts.

Like countless other Americans, Plaintiff Jason Corley seeks to make beneficial use of his property. He intends to do so in part by transferring his real property into a corporate entity formed under the laws of the State of Texas. Plaintiff Zachary Long is in the business of facilitating such intrastate transfers and regularly helps numerous property owners in the area do so.

In August 2024, FinCEN promulgated *Anti-Money Laundering Regulations for Residential Real Estate Transfers*, 89 Fed. Reg. 70,258 (Aug. 29, 2024) (the “Rule”). The Rule requires disclosure of sensitive information to FinCEN upon certain non-financed transfers of residential real estate into corporate entities or trusts—regardless of whether the transfer occurs in interstate commerce or in any commercial capacity at all. Under the Rule, a “reporting person,” the individual facilitating the transfer, must file a report with these disclosures or face imprisonment for up to five years and a fine of up to \$250,000. *See* 31 U.S.C. §§ 5321(a)(1), 5321(a)(6), 5321(d), 5322(a).

But the Federal Government has no authority to regulate this sort of intrastate, non-economic activity. It certainly does not have the lawful authority to force citizens to disclose private information simply because they choose to transfer their own residential property into a state-created corporate form.

Plaintiffs therefore seek relief from this Court to prevent this impending irreparable injury to their constitutional rights.

PARTIES

1. Plaintiff Jason Corley is the owner of residential real estate in Lubbock County, Texas.

2. Plaintiff Zachary Long is an attorney in the business of providing real estate closing and settlement services in Lubbock County, Texas.

3. Defendant United States Department of the Treasury is an agency of the United States headquartered in Washington, D.C.

4. The Treasury is responsible for the administration and enforcement of the Rule, through FinCEN.

5. Defendant Scott Bessent is the Secretary of the Treasury and is responsible for enforcing the Rule, through FinCEN. He is sued in his official capacity.

6. Defendant Financial Crimes Enforcement Network is an agency of the United States headquartered in Washington, D.C.

7. FinCEN is responsible for the administration and enforcement of the Rule.

8. Defendant Andrea Gacki is Director of FinCEN and is responsible for enforcing the Rule. She is sued in her official capacity.

9. Defendant United States of America is a government entity.

JURISDICTION AND VENUE

10. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under the United States Constitution; 28 U.S.C.

§ 1346(a)(2) because this suit constitutes a civil action against the United States; and 5 U.S.C. § 701, *et seq.* because this matter involves questions arising under the Administrative Procedure Act.

11. This Court has authority to grant declaratory relief under 28 U.S.C. § 2201 and preliminary and permanent injunctive relief under 28 U.S.C. § 2202. This Court also has authority to stay or vacate agency rules under 5 U.S.C. §§ 705, 706.

12. Venue is proper within this judicial district pursuant to 5 U.S.C. § 703 and 28 U.S.C. § 1391(b)(2) because the property that is the subject of the action is situated in this judicial district. Venue is proper in the Lubbock Division of the Northern District of Texas pursuant to 28 U.S.C. § 124(a)(7).

FACTS

I. THE STATUTORY BASIS FOR THE RULE

13. Congress passed the Bank Secrecy Act (the “BSA”) to “establish appropriate frameworks for information sharing among . . . law enforcement authorities to identify, stop, and apprehend money launderers and those who finance terrorists.” 31 U.S.C. § 5311(5).

14. The BSA, as amended by the Anti-Drug Abuse Act of 1988, requires “financial institutions” to establish programs to prevent money laundering and the financing of terrorism. 31 U.S.C. § 5318(h)(1).

15. The BSA defines “financial institutions” as including “persons involved in real estate closings and settlements.” *Id.* at § 5312(a)(2)(U).

16. A provision added by the Anti-Money Laundering Act of 2020 empowers the Secretary of the Treasury to “establish . . . processes to, as appropriate, permit the

filing of noncomplex categories of reports of suspicious activity,” and grants the Secretary the authority to “require a class of domestic financial institutions . . . to maintain appropriate procedures, including the collection and reporting of certain information as the Secretary of the Treasury may prescribe by regulation, to . . . guard against money laundering, the financing of terrorism, or other forms of illicit finance.” *Id.* at § 5318(a)(2).

17. The BSA then authorizes the Secretary of the Treasury to require financial institutions to report any suspicious transactions relevant to a possible violation of law or regulation, *id.* at § 5318(g) and gives the Secretary the flexibility to consider “the means by or form in which the Secretary shall receive such reporting,” *id.* at § 5318(g)(5)(B)(iii).

18. The law permits the Secretary of the Treasury to “delegate duties and powers under this subchapter [31 USCS §§ 5315 et seq.] to an appropriate supervising agency.” *Id.* at § 5318(a)(1).

19. The Secretary of the Treasury delegated this power to FinCEN. *See* Treas. Order No. 180–01(3)(a) (2014).

20. The negligent violation of a regulation passed under the subchapter of the BSA described above can provoke a civil penalty of up to \$500. *Id.* at § 5321(a)(6).

21. The willful violation of a regulation under this subchapter can result in civil liability to the United States Government in the amount of up to \$100,000. *Id.* at § 5321(a)(1).

22. The willful violation of such regulation can also constitute a crime subject to fines of up to \$250,000, imprisonment for up to five years, or both. *Id.* at § 5322.

23. For these regulatory violations, criminal penalties are not exclusive of civil liability. *Id.* at § 5321(d).

II. THE REAL ESTATE REPORTING RULE

24. On August 29, 2024, FinCEN promulgated *Anti-Money Laundering Regulations for Residential Real Estate Transfers*, 89 Fed. Reg. 70,258 (Aug. 29, 2024) (codified at 31 C.F.R. § 1031.320) (the “Rule”).

25. FinCEN promulgated the Rule because it believed that certain transfers of real property “heighten the risk” of “domestic threats, such as persons engaged in fraud or organized crime, and foreign threats, such as international drug cartels, human traffickers, and corrupt political business figures.” *Id.* at 70,259.

26. Beginning on December 1, 2025, the Rule will require a report to be filed with FinCEN containing information about certain residential real property transfers, namely, non-financed transfers of residential real property into legal entities and trusts. 89 Fed. Reg. 70,258; 31 C.F.R. § 1031.320.

27. The Rule constitutes final agency action because it is a final, binding rule formally promulgated by FinCEN, an executive agency exercising the authority of the Government of the United States. *See id.* at 70,258; 5 U.S.C. §§ 704, 551. The Rule marks the consummation of the agency’s decision-making process and legal obligations flow from it.

28. Coverage under the Rule, or under the statutory reporting provisions, does not turn on whether a transaction has any connection to interstate commerce.

29. Under the Rule, residential real property is defined as “[r]eal property located in the United States containing a structure designed principally for occupancy by one to four families,” or land on which such a structure is intended to be built. 31 C.F.R. § 1031.320(b)(1).

30. The Rule obligates a “reporting person” to file the required report with FinCEN either by 30 days after the transfer or by the last day of the month following the transfer, whichever is later. *Id.* at § 1031.320(a), (k)(3).

31. The Rule determines the reporting person by selecting the highest available from a “cascade” of persons involved in “real estate closing and settlement services,” such as the “person listed as the closing or settlement agent” or the “person that prepares the closing or settlement statement for the transfer.” *Id.* at § 1031.320(c).

32. The Rule does not exempt attorneys from being reporting persons. *See* 89 Fed. Reg. at 70,262–63.

33. The Rule requires the reporting person to file a report with FinCEN that includes information about the transferor, the transferee entity, the beneficial owners and trustees of the transferee entity, the reporting person, the residential real property being transferred, and related payments and financing. *Id.* at § 1031.320(a), (d)–(i). This information includes business and personal addresses, business and personal names, corporate and individual taxpayer identification numbers, citizenship, birthdates, dates of corporate formation and trust execution, whether the given trust is revocable, the closing date, the sale amount if the transfer is a sale, any other consideration, and whether the transfer is financed. *Id.*

34. The Rule does not contain a jurisdictional element that limits its scope to individuals engaged in interstate or foreign commerce or suspected of crimes.

35. Rather, the Rule is triggered solely by an individual's decision to transfer residential real property into a state-created corporate entity or trust.

36. Nor is the Rule related to taxation, foreign affairs, or any other power of Congress.

37. Negligent failure to comply with the Rule can provoke a civil penalty of up to \$500. *See* 31 U.S.C. § 5321(a)(6).

38. Willful failure to comply with the Rule can result in civil liability to the United States Government in the amount of up to \$100,000. *See id.* at § 5321(a)(1).

39. Willful failure to comply with the Rule can also constitute a crime subject to fines of up to \$250,000, imprisonment for up to five years, or both. *See id.* at § 5322.

40. If a reporting person violates the Rule, criminal penalties will not be exclusive of civil liability. *See id.* at § 5321(d).

III. PLAINTIFFS' INJURIES

41. Plaintiff Zachary Long is a real estate and estate planning attorney in Lubbock, Texas.

42. In his professional capacity, he provides real estate closing and settlement services and frequently facilitates the transfer of residential real property.

43. Many of his clients use his services to transfer residential real estate into corporate entities or trusts.

44. During the course of his provision of these services, he often prepares and is listed as the closing or settlement agent on closing and settlement statements, and files deeds and similar instruments with the local recordation office.

45. He will be engaged in these same professional activities after December 1, 2025.

46. Under the Rule, Mr. Long is a “reporting person.”

47. Under the Rule, Mr. Long will be required to file a report with FinCEN every time he provides his services for a client engaging in a reportable transfer.

48. Mr. Long will be required to expend resources in preparing these reports and will be required to expend time and money in order to maintain the accuracy of the information as is required under the Rule.

49. If Mr. Long does not file the report within 30 days of a given transfer, or before the last day of the month following a given transfer, he will be subject to fines of up to \$250,000, prison time of up to five years, or both. *See id.* at §§ 5321(a)(1), (a)(6), (d), 5322.

50. Plaintiff Jason Corley is outright owner of residential property at 420 S. 2nd Street in Slaton, Texas (the “property”).

51. Under the Rule, the property is residential real property: it contains a structure designed principally for occupancy by one to four families.

52. Mr. Corley wishes to transfer this property into a corporate entity, formed under the laws of the State of Texas, of which he is the beneficial owner.

53. Under the Rule, Mr. Corley will be required to disclose through a “reporting person” sensitive, personally identifiable information to FinCEN about himself as an individual, about his corporate entity, and about his residential property at 420 S. 2nd Street in Slaton, Texas.

54. He does not wish to disclose to the Federal Government this sensitive, personal information.

55. Mr. Corley will be required to expend resources in disclosing this information to a reporting person and to FinCEN.

COUNT I

THE RULE EXCEEDS THE LIMITS OF ARTICLE I, SECTION 8 OF THE UNITED STATES CONSTITUTION.

56. Plaintiffs incorporate the allegations in the foregoing paragraphs as if set forth fully herein.

57. It is axiomatic that “[t]he Constitution creates a Federal Government of enumerated powers.” *United States v. Lopez*, 514 U.S. 549, 552 (1995).

58. Any “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” U.S. Const. amend. X.

59. There are seventeen specific powers enumerated in Article I, Section 8 of the Constitution. One such power resides in the Commerce Clause, which grants Congress authority “[t]o regulate Commerce . . . among the several States.” U.S. Const. art. I, § 8, cl. 3.

60. In addition, the Necessary and Proper Clause grants Congress authority to “make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” U.S. Const. art. I, § 8, cl. 18.

61. The power to regulate the intrastate, non-financed transfer of real property is not among those delegated to the national government.

62. Defendants claim that the Rule is justified under the Commerce Clause as a means to regulate interstate and foreign money laundering.

63. But the Rule cannot be justified under the Commerce Clause, even when supplemented by the Necessary and Proper Clause.

64. Residential real property is neither a channel nor an instrumentality of interstate commerce. Nor does the transfer of real property *per se* substantially affect interstate commerce. Indeed, it is inherently local.

65. At most, the Rule alleges that criminals *could* use residential real property to facilitate the interstate crime of money laundering.

66. But virtually anything could be used to facilitate interstate crime. That sort of tenuous connection is not sufficient to trigger federal authority.

67. This is particularly true when the regulated activity is one that has been traditionally reserved to the domain of state governments.

68. All other claims of authority under Article I, Section 8 also fail.

69. The Rule is therefore unlawful.

COUNT II

THE RULE VIOLATES THE ADMINISTRATIVE PROCEDURE ACT.

70. Plaintiffs incorporate the allegations in the foregoing paragraphs as if set forth fully herein.

71. Under the Administrative Procedure Act, an agency action is invalid if it is “contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(B).

72. An agency action that exercises authority beyond Congress’s enumerated powers is contrary to a constitutional right, power, privilege, or immunity.

73. The Rule constitutes final agency action.

74. As explained above, the Rule exceeds federal authority under Article I, Section 8 of the U.S. Constitution.

75. The Rule therefore violates 5 U.S.C. § 706 of the Administrative Procedure Act because it neither implicates the exercise of any enumerated power nor is it necessary and proper to such an exercise.

INJUNCTIVE RELIEF ALLEGATIONS

76. Plaintiffs incorporate the allegations in the foregoing paragraphs as if set forth fully herein.

77. Plaintiffs allege that both on its face and as applied, the Rule violates Plaintiffs’ constitutional rights.

78. If an injunction does not issue enjoining Defendants from enforcing the Rule and the Bank Secrecy Act or Anti-Money Laundering Act in accordance with the Rule, Plaintiffs will be irreparably harmed.

79. Plaintiffs have no plain, speedy, and adequate remedy at law to prevent the Defendants from enforcing the Rule and the Bank Secrecy Act or Anti-Money Laundering Act in accordance with the Rule.

80. If not enjoined by this Court, Defendants will continue to enforce the Rule in derogation of Plaintiffs' rights.

81. Accordingly, injunctive relief is appropriate.

DECLARATORY RELIEF ALLEGATIONS

82. Plaintiffs incorporate the allegations in the foregoing paragraphs as if set forth fully herein.

83. An actual and substantial controversy exists between Plaintiffs and Defendants as to their legal rights and duties with respect to whether the Rule violates the United States Constitution.

84. This case is presently justiciable because the Rule applies to Plaintiffs on its face and Plaintiffs are subject to disclosure requirements.

85. Declaratory relief is therefore appropriate to resolve this controversy.

PRAYER FOR RELIEF

Pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, it is appropriate and proper that a declaratory judgment be issued by this Court, declaring the Rule unconstitutional.

Furthermore, pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65, it is appropriate and hereby requested that the Court issue preliminary and permanent

injunctions prohibiting Defendants from enforcing the Rule, and from enforcing the Bank Secrecy Act or Anti-Money Laundering Act in accordance with the Rule.

WHEREFORE, Plaintiff prays for judgment against Defendants and that the Court:

(1) declare that the *Anti-Money Laundering Regulations for Residential Real Estate Transfers* Rule is unconstitutional on its face because it is unsupported by any power granted to any branch of the Federal Government by the United States Constitution;

(2) hold unlawful and set aside the Rule as invalid under the Administrative Procedure Act, 5 U.S.C. § 706, because it is inconsistent with constitutional right, power, privilege, or immunity and not in accordance with law;

(3) postpone the Rule's effective date and issue all necessary and appropriate process to preserve the Plaintiffs' status and rights pending judicial review, pursuant to 5 U.S.C. § 705;

(4) issue a preliminary injunction against the Defendants, as well as against all agents, administrators, employees, or other persons acting on behalf of the Defendants, from enforcing the Bank Secrecy Act or Anti-Money Laundering Act in accordance with the Rule against the Plaintiffs;

(5) award Plaintiffs their costs and expenses incurred in bringing this action, including, but not limited to, reasonable attorney fees pursuant to 28 U.S.C. § 2412; and

(6) grant such other and further relief as the Court deems equitable, just,

and proper.

Dated: April 17, 2025

Respectfully submitted,

/s/ Clayton Way Calvin

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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JASON CORLEY and ZACHARY LONG

(b) County of Residence of First Listed Plaintiff Lubbock
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Texas Public Policy Foundation
901 Congress Avenue, Austin, Texas 78701
(512) 472 - 2700

DEFENDANTS

UNITED STATES DEPARTMENT OF THE TREASURY; SCOTT BESSENT, in his official capacity as Secretary of the Treasury; FINANCIAL CRIMES ENFORCEMENT NETWORK; ANDREA GACKI, in her official capacity as Director of FinCEN; and the UNITED STATES OF AMERICA
County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
5 U.S.C. §§ 705, 706, 28 U.S.C. §§ 2201, 2202
Brief description of cause:
Administrative Procedures Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 04/17/2024 SIGNATURE OF ATTORNEY OF RECORD

/s/ Clayton Way Calvin

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.