

FILED
3/7/2024

JXM

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

ANDY WILLIAMS JR.; TYRONE MUHAMMAD)
)
Plaintiff)
v.)
)
Governor JAY ROBERT PRITZKER, in his official)
capacity; KWAME RAOUL, in his capacity as Attorney)
General; BRENDAN F. KELLY, in his official capacity as) 1:24-cv-01441
Director of the Illinois State Police; KIM FOXX, in her)
official capacity as State’s Attorney of Cook County,) Judge Jeremy C. Daniel
Illinois; JAMIE MOSSER in her official capacity as State’s)
Attorney of Kane County, Illinois; ROBERT BERLIN in)
his official capacity as State’s Attorney of DuPage County,)
Illinois; UNITED STATES OF AMERICA; MERRICK)
GARLAND; BUREAU OF ALCOHOL, TOBACCO,)
FIREARMS AND EXPLOSIVES; U.S. DEPARTMENT)
OF JUSTICE; STEVEN DETTELBACH;)
)
Defendants.)

**AMENDED COMPLAINT FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

Andy Williams Jr. and Tyrone Muhammad bring this action against the Defendants to declare their codes and statutes infringe, discriminate, and deprive Plaintiffs of their unalienable rights to bear arms that are secured by the Bill of Rights and the Illinois State Constitution.

PRELIMINARY STATEMENT

1. For a significant portion of American history, gun laws bore the ugly taint of racism.¹ The founding generation that wrote the Second Amendment had racist gun laws,

¹ On the racist history of gun laws, see generally Clayton E. Cramer, *The Racist Roots of Gun Control*, KAN. J.L. & PUB. POL’Y, Winter 1995, at 17 (arguing that American gun laws were designed to disempower racial minorities); and Robert J. Cottrol & Raymond T. Diamond, *The Second Amendment: Toward an Afro-Americanist Reconsideration*, 80 GEO. L.J. 309, 333–42 (1991) (outlining the ways in which American gun control specifically restricted Black Americans’ access to guns).

including prohibitions on the possession or carrying of firearms by Black people, whether free or enslaved.² A Florida law in 1825 authorized white people to “enter into all Negro houses” and “lawfully seize and take away all such arms, weapons, and ammunition.”³ In *Dred Scott v. Sandford*,⁴ Chief Justice Roger Taney argued that one reason Black people could not be citizens under the Constitution was that it “would give to persons of the negro race” the right “to keep and carry arms wherever they went.”⁵ After the Civil War, the Black Codes enacted in the South made it a crime for a Black person to have a gun.⁶ Even facially neutral laws were used in a racially discriminatory fashion; Martin Luther King Jr. was denied a concealed carry permit even after his house was firebombed.⁷ For much of American history, gun rights did not extend to Black people and gun control was often enacted to limit access to guns by people of color.

2. Approximately seventy percent of all defendants convicted of federal firearms offenses were minorities,⁸ even though those same communities make up only about forty percent of the population.⁹ The widely popular ban on possession of firearms by felons has a distinctly racially disparate impact. These sorts of disparate impacts are likely unavoidable because gun restrictions and rules tend to be criminal codes and statutes and minorities are overrepresented in the criminal process.

3. In *Castle Rock v. Gonzales*, 545 U.S. 748 (2005), the United States Supreme

² See Cramer, *supra* note 1, at 18.

³ Robert J. Cottrol & Raymond T. Diamond, *The Second Amendment: Toward an Afro-Americanist Reconsideration*, in GUN CONTROL AND THE CONSTITUTION: SOURCES AND EXPLORATIONS ON THE SECOND AMENDMENT 403, 403 (Robert J. Cottrol ed., 1994).

⁴ 60 U.S. 393 (1857).

⁵ *Id.* at 417.

⁶ Cottrol & Diamond, *supra* note 1, at 344.

⁷ ADAM WINKLER, GUNFIGHT: THE BATTLE OVER THE RIGHT TO BEAR ARMS IN AMERICA 235 (2011).

⁸ EMILY TIRY ET AL., URB. INST., PROSECUTION OF FEDERAL FIREARMS OFFENSES, 2000–16, at 19 (2021), <https://www.ojp.gov/pdffiles1/bjs/grants/254520.pdf> [<https://perma.cc/W4Y9-M8M3>].

⁹ See *QuickFacts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/RHI225219> [<https://perma.cc/U7GB-ZS48>] (showing about forty percent of people are not White).

Court held that police do not have a constitutional duty to protect a person from harm, even if a woman who had obtained a court-issued protective order against a violent husband making an arrest mandatory for a violation.

4. The Plaintiff's, who are identified by the government as black felons and at least for Andy Williams Jr., a former gang member, there is no protection for them if the government can have it their way. It should come as no surprise that people of color are killed at disproportionately higher rates by each other and by police in Illinois, primarily in Chicago. Some people fear jail over self-protection. The right to keep and bear arms is an unalienable right that is protected by the Bill of Rights, Constitutional Amendment Two and the Plaintiff's bring this claim to declare this corporate government system made up primarily by white men have no right to pass legislation, make rules or codes that infringe and deprive the two American plaintiff's in this claim.

INTRODUCTION

5. This claim challenges Illinois Statute 720 ILCS 5/24-1.1(a)(e) which prohibits "felons" from possessing handguns in their home for self-defense. See Illinois Statute 720 ILCS 5/24-1.1) (a)(e) That statute requires prison terms for ex-felons who are caught with a gun in their home or in their possession.

6. This claim also challenges 18 U.S.C. § 922(g)(1) Possession of a Firearm by a Felon and; 18 U.S. Code § 931(a) which Prohibits the purchase, ownership, or possession of body armor by violent felons as being an infringement of Plaintiff's rights.

7. Plaintiff's seek a declaratory judgment that the provisions and enforcement by Defendants of 18 U.S.C. § 922(g)(1); 18 U.S. Code § 931(a) and Illinois Statute 720 ILCS 5/24-1.1(a)(e) violate their Second Amendment Right in the Bill of Rights and Article I, Section 22 of

the Illinois Constitution to bear arms under the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendment to the United States Constitution. Plaintiffs also seeks an injunction permanently.

PARTIES

8. Plaintiff Andy Hope Williams Jr., is an Illinoisan, one of the people of the Republic of Illinois and a 2024 Presidential Candidate that has a right to self-protection in this hostile political climate especially as an Independent Candidate.

9. Plaintiff, Andy Hope Williams Jr. is a market place minister at AWJ Ministries that ministers to current and formerly incarcerated people about their unalienable rights to be free from “bondage” in an effort to reduce crime and violence in their community, and turn from their wicked ways.

10. Plaintiff, Tyrone Muhammad is an Illinoisan, one of the people of the Republic of Illinois and a 2026 Independent U.S. Senate Candidate that has a right to self-protection in this hostile political climate especially as an Independent Candidate.

11. Plaintiff, Tyrone Muhammad is the founder of Ex Cons for Community and Social Change (ECCSC) whose mission is to provide dedicated community servants trained to change the dynamic of trauma and violence in our communities.

12. Under the guidance of Tyrone Muhammad, ECCSC provides innovative violence prevention and intervention programs and/or resources that are aimed to prevent violence at the source, reduce recidivism, support positive re-entry, build strong youth, families, and communities, and provide non-traditional public safety emergency support to underserved communities. ECCSC focuses on breaking down discriminatory laws & practices and paving a way for education, awareness and success for underrepresented people.

13. Defendant Jay Robert Pritzker is the duly elected Governor of the State of Illinois. Under Article V, Section 8 of the Illinois Constitution, the Governor “shall have the supreme executive power and shall be responsible for the faithful execution of the laws.” Ill. Const. 1970, art. V, § 8.

14. Defendant Kwame Raoul is the duly elected Attorney General of the State of Illinois. As Attorney General, he enforces statutes and legislation against the people of Illinois.

15. Defendant Brendan F. Kelly is sued in his official capacity as the Director of the Illinois Department of State Police. As Director, Kelly is responsible for managing and controlling enforcement of the State’s criminal laws by the State Police, *see* 20 ILL. COMP. STAT. 2610/2, 2610/16,

16. Defendant Kim Foxx is sued in her official capacity as State’s Attorney for Cook County, Illinois. As State’s Attorney, she has a duty “[t]o commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for [her] county, in which the people of the State or county may be concerned,” including violations of Illinois’ felon ban on possession of firearms and ammunition magazines. 55 ILL. COMP. STAT. 5/3-9005.

17. Defendant Jamie Mosser is sued in her official capacity as State’s Attorney for Kane County, Illinois. As State’s Attorney, she has a duty “[t]o commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for [her] county, in which the people of the State or county may be concerned,” including violations of Illinois’ felon ban on possession of firearms and ammunition magazines. 55 ILL. COMP. STAT. 5/3-9005.

18. Defendant Robert Berlin is sued in her official capacity as State’s Attorney for DuPage County, Illinois. As State’s Attorney, he has a duty “[t]o commence and prosecute all

actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for [his] county, in which the people of the State or county may be concerned,” including violations of Illinois’ felon ban on possession of firearms and ammunition magazines. 55 ILL. COMP. STAT. 5/3-9005.

19. Defendant Merrick Garland is sued in his official capacity as the Attorney General of the United States. As Attorney General, Defendant Garland is responsible for executing and administering the laws, regulations, customs, practices, and policies of the United States. He is presently enforcing the laws, regulations, customs, practices, and policies complained of in this action. As Attorney General, Defendant Garland is ultimately responsible for supervising the functions and actions of the United States Department of Justice, including the ATF, which is an arm of the Department of Justice.

20. Defendant United States of America (“United States”) is a proper party in this action pursuant to 5 U.S.C. § 702.

21. Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) is a component of the DOJ, and is headquartered at 99 New York Avenue NE, Washington, D.C. 20226. ATF is delegated authority to enforce federal gun control laws.¹⁰

22. Defendant U.S. Department of Justice (“DOJ”) is an executive agency within the federal government of the United States. DOJ is headquartered at 950 Pennsylvania Avenue NW, Washington, D.C. 20530. DOJ is the agency responsible for enforcing federal firearms laws.

23. Defendant Steven M. Dettelbach serves as the Director of ATF, and is responsible for overseeing the agency’s promulgation of the Final Rule challenged herein. He is sued in his official capacity.

¹⁰ See 28 U.S.C. § 599A; 28 C.F.R. § 0.130; 18 U.S.C. § 926(a)

JURISDICTION AND VENUE

24. This Court has subject-matter jurisdiction over all claims for relief pursuant to the Constitution for the united states for America of 1787, 28 U.S.C. §§ 1331 and 1343.

25. Plaintiffs seek remedies under 28 U.S.C. §§ 1651, 2201, and 2202 and 42 U.S.C. §§ 1983, 1985(3) and 1988.

26. Venue lies in this Court under 5 U.S.C. § 703; 28 U.S.C. § 1391(e) and (b)(1)(2).

STATEMENT OF FACTS

27. Plaintiff's would like to purchase a handgun for self defense and also to keep within their home, but is prevented from doing so only by Defendants' active enforcement of the policies complained of in this action.

28. Plaintiff's fear arrest, criminal prosecution, incarceration, and fines if they were to possess a handgun or be found with one.

29. The Second Amendment to the United States Constitution provides: "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

30. At a minimum, the Second Amendment guarantees individuals a fundamental right to possess a functional, personal firearm, including a handgun, within the home or in public for safety.

31. The Fifth Amendment in relevant part provides no one can be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

32. The Fourteenth Amendment to the United States Constitution provides, in pertinent part: "No State shall make or enforce any law which shall abridge the privileges or

immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

STATUTES AND REGULATIONS

33. The Illinois Statute provides in relevant part:

Sec. 24-1.1. Unlawful use or possession of weapons by felons

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Department of State Police under Section 10 of the Firearm Owners Identification Card Act.

(720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

34. A first violation shall be a Class 3 felony for which the person shall be sentenced to no less than 2 years and no more than 10 years. 720 ILCS 5/24-1.1 (e)

35. A second or subsequent violation of this Section 720 ILCS 5/24-1.1 (e) shall be a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections.

36. A violation of Section 720 ILCS 5/24-1.1 (e) by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years, except as

provided for in Section 5-4.5-110 of the Unified Code of Corrections. 720 ILCS 5/24-1.1 (e)

37. A violation of Section 720 ILCS 5/24-1.1 (e) by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections.

38. A violation of Section 720 ILCS 5/24-1.1 (e) while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

39. Article 1, section 22 of the Illinois Constitution reads: “Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.”

40. State Police power extends only to immediate threats of public safety, health, and welfare. *Michigan Commission v. Duke*, 266 U.S. 570, 45 S. Ct. 191 (1925) Exercises of the state police power must respect the **individual rights** guaranteed in the Constitution and the State is prohibited from violating substantive rights. *Owens v. City*, 445 US 662 (1980)

41. Pursuant to 18 U.S.C. § 922(g) provides the following:

(g) It shall be unlawful for any person – ...

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; ... to ship or transport in interstate or foreign commerce, or possess in or affecting commerce.

42. Pursuant to 18 U.S. Code § 931(a) provides the following:

(a) In General-Except as provided in subsection (b), it shall be unlawful for

a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is-

(1)a crime of violence (as defined in section 16); or

(2)an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

43. An actual and justiciable controversy has arisen and exists between the parties with respect to these issues and claims, and a declaratory judgment is necessary to resolve such controversy.

**FIRST CAUSE OF ACTION – FELON BAN
DEPRIVES RIGHT TO KEEP AND BEAR ARMS
U.S. CONST., AMENDS. II AND V 42 U.S.C. § 1983
Federal Defendants**

44. Paragraphs 1 through 43 are incorporated as though fully stated herein.

45. The principle that the government should be limited in how it makes decisions that are detrimental to private people is very old in Anglo-American law. The Magna Carta, a statement of subjects' rights issued by King John of England in 1215, became well known over the centuries. Chapter 39 provided that “[n]o free man shall be arrested or imprisoned . . . except by lawful judgment of his peers or by the law of the land.” This language and its subsequent refinements gave rise to the concept of “due process of law,” and influenced the drafters of the Due Process Clause of the Fifth Amendment to the United States Constitution.

46. The Second Amendment right is incorporated as against the states and their political subdivisions pursuant to the Due Process Clause of the Fourteenth Amendment.

47. The Second Amendment right to keep and bear arms is a privilege and immunity of United States citizenship which, pursuant to the Fourteenth Amendment, states and their

political subdivisions may not violate.

48. 18 U.S.C. § 922(g)(1); 18 U.S. Code § 931(a) enacted with the purpose and intent to discriminate against Plaintiffs who are labeled as felons who got their rights from Natures God and the Creator, not the government.

49. By denying the Plaintiff's the right to own handguns and bulletproof vests, who are of the age of majority is a right protected by the Second Amendment right to keep and bear arms.

50. By banning Plaintiff's from owning handguns, Defendants together and separately, are infringing and depriving the Plaintiff's of their rights and denying them due process.

51. Defendants currently maintain and actively enforce a set of laws, customs, practices, and policies under color of state law which deprive individuals, including the Plaintiffs, of their right to keep and bear arms, in violation of the Second and Fourteenth Amendments to the United States Constitution.

52. Plaintiffs are thus damaged in violation of 42 U.S.C. § 1983. Plaintiffs are therefore, entitled to declaratory and permanent injunctive relief against continued enforcement

**SECOND CAUSE OF ACTION
DEPRIVATION OF EQUAL PROTECTION
U.S. CONST., AMEND. XIV, 42 U.S.C. § 1983
State Defendants**

53. Paragraphs 1 through 52 are incorporated as though fully stated herein.

54. The Fourteenth Amendment to the United States Constitution, enforceable under 42 U.S.C. § 1983, provides that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

55. Illinois Statute 720 ILCS 5/24-1.1 (a) was enacted with the purpose and intent to discriminate against Plaintiffs who are labeled as felons who got their rights from Natures God and the Creator, no the government.

56. As a result, non-felons are allowed to keep and bear arms.

57. By arbitrarily denying Plaintiff s who are labeled as ex-felons the right to bear arms and purchase body armor in ¶35 discriminates against people on the basis of their criminal back ground and deprives them of the equal protection of the laws within the meaning of the Fourteenth Amendment to the United States Constitution.

58. By denying Plaintiffs who are labeled as felons while allowing other people not labeled as felons the right to keep and bear arms, the Plaintiffs are denied their equal rights as people in a Republic form of government.

59. Defendants currently maintain and actively enforce a set of laws, customs, practices, and policies under color of state law which deprive individuals, including the Plaintiffs, of their right to keep and bear arms, in violation of the Fourteenth Amendment to the United States Constitution and Section 22 to the Illinois Constitution.

**THIRD CAUSE OF ACTION
U.S. CONST., AMEND. XIII, 42 U.S.C. § 1983
All Defendants**

60. Paragraphs 1 through 59 are incorporated as though fully stated herein.

61. Although on its face, it appears that the 13th Amendment simply abolishes slavery and gives Congress power to enforce that abolition, the Supreme Court has clarified that Congress's enforcement power under Section 2 also extends to eradicating slavery's lingering effects.¹¹

62. Beyond simply nullifying all state laws which establish or uphold slavery, the Supreme Court reasoned that the 13th Amendment has a reflex character also, establishing and decreeing universal civil and political freedom throughout the United States; and it is assumed

¹¹ *U.S. v. Hatch*, 722 F.3d 1193, 1197 (C.A.10 (N.M.), 2013).

that the power vested in Congress to enforce the article by appropriate legislation, clothes Congress with power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States.

63. The 13th Amendment can be seen as treating all forms of racial discrimination as badges and incidents of slavery and its lingering effects.

64. Badges and incidents of slavery refers to public or widespread private action, aimed at any racial group or population for reasons related to race, that mimics the law of slavery and has significant potential to lead to the de facto re-enslavement or legal subjugation of the targeted group.

65. Slavery is defined as "[t]he practice of keeping individuals in such a state of bondage or servitude."¹² Subsequently, Badge of Slavery is defined as "[b]roadly, any act of racial discrimination —public or private— that Congress can prohibit under the 13th Amendment."¹³ Finally, discrimination as defined by Black's Law Dictionary, is "[t]he effect of a law or established practice that confers privileges on a certain class or that denies privileges to a certain class because of race, age, sex, nationality, religion, or handicap."¹⁴

66. The purpose of the 13th Amendment was to proclaim, implement and universalize the fundamental principles of freedom. To deprive of the application of the principles is to enslave. After slavery was abolished in 1865, Southern states instituted a series of oppressive laws called “Black Codes” which made it a crime for a Black person to carry a firearm.

67. The Defendants through their codes and legislation have reenacted Black Codes in order to keep the Plaintiff's in a second-class position and infringe upon their rights.

¹² *Slavery*, Black's Law Dictionary 424 (8th ed. 2004).

¹³ *Badge of Slavery*, Black's Law Dictionary 4334 (8th ed. 2004).

¹⁴ *Discrimination*, Black's Law Dictionary 1407 (8th ed. 2004) [Emphasis added].

68. As stated in ¶¶ 1-2, these codes and statutes that infringe upon the Plaintiff's right to bear arms are rooted in white supremacy and racism and therefore are a badge and incident of slavery.

69. Defendants currently maintain and actively enforce a set of laws, customs, practices, and policies under color of state law which deprive individuals, including the Plaintiffs, of their right to keep and bear arms, in violation of the Thirteenth Amendment to the United States Constitution.

FOURTH CAUSE OF ACTION
42 U.S.C. § 1985(3) KLU KLUX KLAN ACT
All Defendants

70. Paragraphs 1 through 69 are incorporated as though fully stated herein.

71. The Ku Klux Klan Act prohibits two or more persons from conspiring to deny “either directly or indirectly, any person or class of persons of the equal protection of the laws,” to “prevent [] or hinder [] the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws...”⁴² U.S.C. § 1985(3).

72. The foregoing conduct of the Defendants violates § 1985(3). By coordinating their actions in an effort to have federal and state officials to enforce codes and public policy that infringes and deprives the Plaintiffs of their unalienable rights to bear and purchase arms, Defendants are engaged in a conspiracy to deny the equal protection of the laws to prevent Plaintiffs from being able to lawfully protect themselves without fear of incarceration, arrest, and or fines.

73. As a result of this conspiracy, Plaintiff's have been required to divert resources to disseminate public education materials to members of their organizations and ministry.

74. As a result of this conspiracy, Plaintiffs have suffered dignitary injuries by having their rights deprived and infringed upon by Defendants' perpetuation of the noxious myth that they have the power to keep people safe by infringing upon the Plaintiff's rights, when in fact the Supreme Court has already held the police don't even have a duty to protect the people.

75. Plaintiff's have not consented in anyway knowingly to be governed by the Defendants and as such their conspiracy is a trespass against the Plaintiff's rights.

76. During this whole time that Plaintiff's have been unable to lawfully protect themselves based on Defendants unconstitutional legislation and codes, they have suffered severe emotional distress and fear that they are in a position to be unable to defend themselves.

77. As a result, Plaintiff's seeks an award of compensatory damages to be made whole.

78. As the unlawful actions taken by the Defendants were malicious and in reckless disregard of Plaintiff's unalienable and protected rights, Plaintiff's seeks an award of punitive damages to punish the Defendants for engaging in a concerted and continuing course of unlawful conduct of infringement and deprivation of the Plaintiff's rights and to deter the Defendants and others from engaging in similar unlawful conduct in the future.

FIFTH CAUSE OF ACTION
42 U.S.C. § 1983 US Const, Art 4, §4 – Republican Form of Government
All Defendants

79. Paragraphs 1 through 78 are incorporated as though fully stated herein.

80. Acting under color of law and pursuant to the customs, policies and practices of the STATE OF ILLINOIS and UNITED STATES Defendants, acting in their respective official capacities, Defendants have engaged in conduct and adopted laws and policies that violate Plaintiff's rights under Art. 4, §4 of the U.S. Constitution.

81. Article 4, section 4 of the U.S. Constitution states that the “United States shall guarantee to every state in this union a republican form of government.”

82. Since our nation’s founding, federal, state, and local governments throughout the country have been republican forms of government – governments of representatives chosen by the people governed.

83. In the United States and in Illinois, local governments are traditionally democratically elected and republican in form.

84. Legislation that infringes upon the Plaintiff’s rights and violates the Supremacy Clause and Article III, Section II of the United States Constitution stripped Plaintiffs of their right to a republican form of government by transferring governance, including but not limited to the people’s power to hearing officers who decide and adjudicate rules instead of facts of law and constitutionally protected rights.

85. In a republican form of government, the people are sovereign and the role of government is limited in that it protects the rights of the people and their property.

86. The Bill of Rights, which includes the Second and Fifth Amendment are unalienable rights that the government is not allowed to infringe upon or deprive in a republican form of government.

87. As a direct and proximate result of the enactment of 18 U.S.C. § 922(g)(1); 18 U.S. Code § 931(a) and 720 ILCS 5/24-1.1(a)(e) Plaintiffs have been denied their right to a Republic Government.

88. Defendants currently maintain and actively enforce a set of laws, customs, practices, and policies under color of state law which deprive individuals, including the Plaintiffs, of their right to keep and bear arms, in violation of a Republic form of government.

SIXTH CAUSE OF ACTION
42 U.S.C. § 1983 US Const U.S. Const, Art 6, § 2 – Supremacy Clause
State Defendants

89. Paragraphs 1 through 88 are incorporated as though fully stated herein.

90. Acting under color of law and pursuant to the customs, policies and practices of the State of Illinois, Defendants, acting in their respective official capacities, Defendants have engaged in conduct and adopted statutes and policies that violated Plaintiff's rights under Art. 6, § 2 of the U.S. Constitution.

91. The Supremacy Clause of the U.S. Constitution mandates that "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S. Const., art. VI, cl. 2.

92. A state law is invalid if, inter alia, it "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress," *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941), or if it directly regulates "the activities of the Federal Government," *Mayo v. United States*, 319 U.S. 441, 445 (1943).

93. The Illinois Statute 720 ILCS 5/24-1.1 (a) barring Plaintiff's the right to keep and bear arms violate the Supremacy Clause of the U.S. Constitution because it violates the Plaintiff's Second Amendment right to keep and bear arms.

94. Illinois has deliberately impeded the ability of Plaintiff's rights to bear arms or face being fined, arrested, or imprisoned.

95. As a result of Defendants' violations, Plaintiffs are entitled to injunctive relief, damages, attorneys' fees and costs as provided by the statutes and constitutional law.

SEVENTH CAUSE OF ACTION
U.S. CONST., AMEND. VI and XIV 42 U.S.C. § 1983– Double Jeopardy
All Defendants

96. Paragraphs 1 through 95 are incorporated as though fully stated herein.

97. The Fifth Amendment of the U.S. Constitution "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

98. The Double Jeopardy Clause aims to protect against the harassment of an individual through successive prosecutions of the same alleged act, to ensure the significance of an acquittal, and to prevent the state from putting the defendant through the emotional, psychological, physical, and financial troubles that would accompany multiple trials for the same alleged offense. Courts have interpreted the Double Jeopardy Clause as accomplishing these goals by providing the following three distinct rights: a guarantee that a defendant will not face a second prosecution after an acquittal, a guarantee that a defendant will not face a second prosecution after a conviction, and a guarantee that a defendant will not receive multiple punishments for the same offense.

99. Today, felons in the United States of America serve two sentences.¹⁵ The sentence served in prison serves as punishment for their actual crimes. The sentence served upon release

¹⁵ See generally Cameron Kimble & Ames Grawert, Collateral Consequences and the Enduring Nature of Punishment, BRENNAN CTR. FOR JUST. (June 21, 2021), [https:// www.brennancenter.org/our-work/analysis-opinion/collateral-consequences-and-enduringnature-punishment](https://www.brennancenter.org/our-work/analysis-opinion/collateral-consequences-and-enduringnature-punishment) (“[E]xamining the punitive excess that has come to define America’s criminal legal system.”)

from prison never leaves a felon, they carry it around like a scarlet letter for all of society to see;¹⁶ functioning as a continual punishment in every aspect of living in a “free” society.¹⁷

100. When the Thirteenth Amendment was passed, it was designed to end the enslavement and involuntary servitude of African Americans, but this shifted its grip of discrimination to a new group – felons – by reviving the previously outlawed behavior.

101. Felons are a prime example of a sub-class of individuals that, once convicted in a court of law, are classified, punished, stigmatized, stripped of their rights as American people, and discriminated against by the government and elected officials.

102. This is a form of De Facto double jeopardy which violates the Fifth and Fourteenth Amendment.

103. Denying Plaintiff’s their right to bear arms under 18 U.S.C. § 922(g)(1); 18 U.S. Code § 931(a) and Illinois Statute 720 ILCS 5/24-1.1(a)(e) is double jeopardy which violates the 5th and 14th amendment.

104. The enactment of discriminatory laws against Plaintiff’s who are labeled as felons dehumanizes them by discarding their rights as people and encourages, perpetuates, and condones such a societal trial upon their re-entry into society from which Plaintiff’s need protection, not more punishment.

105. These actions by the state and federal governments have an opposite effect from their stated goal of public safety, and interest in protecting society from re-offenders.

106. As a result of Defendants’ violations, Plaintiffs are entitled to injunctive relief,

¹⁶ See What is the meaning of a scarlet letter?, COMPELLING TRUTH, [https:// www.compellingtruth.org/scarlet-letter.html](https://www.compellingtruth.org/scarlet-letter.html) (last visited Mar. 22, 2022) (“For more than 150 years, writers and songwriters have invoked the scarlet letter to symbolize the public shaming of a person’s sin. . .”)

¹⁷ See id. (“As Jeremy Travis notes, . . . the collateral consequences faced by formerly imprisoned Americans amount to a variant of the anachronistic tradition of ‘civil death,’ in which returning citizens are ‘defined as unworthy of the benefits of society, and [are] excluded from the social compact.’”).

damages, attorneys' fees and costs as provided by the statutes and constitutional law.

EIGHTH CAUSE OF ACTION
Violation of Oath of Office Illinois Constitution Article 13 § 3
State Defendants

107. Paragraphs 1 through 106 are incorporated as though fully stated herein.

108. Pursuant to Article 13 Section 3 of the Illinois Constitution which states that each prospective holder of a State office or other State position created by this Constitution, before taking office, shall take and subscribe to the following oath or affirmation:

“I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of . . . to the best of my ability.”

109. Each of the Defendants violated their oath and trust by failing to discharge their duties to protect the rights of the Plaintiff's to be free from their rights being deprived by unconstitutional statutes that are repugnant to the constitution as well as engaging in a conspiracy to deprive and deny Plaintiff's their right to bear arms pursuant Article 1, section 22 of the Illinois Constitution.

110. Plaintiff's seeks damages, injunctive and declaratory relief against the Defendants in their individual and official capacity to prevent the continued violation of their constitutionally protected rights.

NINTH CAUSE OF ACTION
Equal Protection Illinois Constitution Article I, Section 2
State Defendants

111. Paragraphs 1 through 110 are incorporated as though fully stated herein.

112. Article I, Section 2 of the Illinois Constitution provides that:

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

113. The Equal Protection Clause of the Illinois Constitution “prohibit[s] the government from according different treatment to persons who have been placed by a statute into different classes on the basis of criteria wholly unrelated to the purpose of the legislation.” *Jacobson v. Department of Pub. Aid*, 171 Ill. 2d 314, 322 (1996).

114. Section 720 ILCS 5/24-1.1(a)(e) of the Code of Civil Procedure discriminates against Plaintiff’s based on being labeled a felon than those who are not labeled a felon.

115. Section 720 ILCS 5/24-1.1(a)(e) of the Code of Civil Procedure denies Plaintiffs the equal protection of the laws because it forces them to choose between their constitutional rights or fear arrest, imprisonment, or fines while permitting other people, who are predominantly white and are not labeled as felons to not have the same fear.

116. Strict scrutiny applies to a statute challenged on equal protection grounds if the classification adversely impacts a fundamental right protected by the Illinois Constitution. *Jacobson*, 171 Ill. 2d at 323.

117. The State does not have a compelling governmental interest in denying Plaintiff’s their right to own and possess a firearm other than to profit from their estate by locking them up, when Defendants know that the law enforcement owes no duty to protect them, their rights, or their property.

118. Even if it did have a compelling interest, the government’s limitation on where plaintiffs may bring constitutional claims against it is not narrowly tailored to further that interest.

119. Section 720 ILCS 5/24-1.1(a)(e) of the Code of Civil Procedure therefore violates the equal protection of the law provided by Article I, Section 2 of the Illinois Constitution.

120. Plaintiff’s seeks damages, injunctive and declaratory relief against the Defendants in their individual and official capacity to prevent the continued violation of their constitutionally

protected rights.

PRAYER FOR RELIEF

Plaintiffs request judgment be entered in their favor and against Defendants as follows:

- A. An order permanently enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing 18 U.S.C. § 922(g)(1); 18 U.S. Code § 931(a) and Illinois Statute 720 ILCS 5/24-1.1 (a) barring Plaintiff's rights to keep and bear arms.
- B. A declaratory judgment that the actions described herein constitute a violation of Second, Fifth, Thirteenth, and Fourteenth amendments 42 U.S.C. § 1983;
- C. Injunctive relief enjoining Defendants from engaging in future violations of 42 U.S.C. § 1983;
- D. Compensatory in an amount to be determined at trial;
- E. Punitive damages in an amount to be determined at trial;
- F. An award of costs and reasonable attorney's fees pursuant to 42 U.S.C. § 1988;
- G. Such other relief as the Court deems necessary and just.

Respectfully submitted,

By: /s/Andy Williams Jr.

By: /s/Tyrone Muhammad

Dated: March 7, 2024

Andy Hope Williams Jr.
c/o 5707 S. Cass Ave # 681
Westmont, Illinois [60559]
630-479-7330
Hope5780@yahoo.com

Tyrone Muhammad
c/o 4108 S. Ellis Ave.
Chicago, Illinois [60653]
708-677-8178
tyronemuhammad17@gmail.com