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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 TODD C. ENGEL,

11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA; NADIA
14 AHMED, individually and in her Official Capacity
15 as an Assistant United States Attorney for the U.S.
16 DEPARTMENT OF JUSTICE; STEVEN
17 MYHRE, individually and in his Official Capacity
18 as an Assistant United States Attorney for the U.S.
19 DEPARTMENT OF JUSTICE; DANIEL
20 BOGDEN, individually and in his Official
21 Capacity as an Assistant United States Attorney for
22 the U.S. DEPARTMENT OF JUSTICE; DANIEL
23 P. LOVE, individually and in his Official Capacity
24 as Special Agent for the U.S. BUREAU OF LAND
25 MANAGEMENT; MARK BRUNK, individually
and in his Official Capacity as an Officer for the
U.S. BUREAU OF LAND MANAGEMENT;
RAND STOVER, individually and in his Official
Capacity as an Officer for the U.S. BUREAU OF
LAND MANAGEMENT; KENT KLEMAN
individually and in his Official Capacity as an
Officer for the U.S. Bureau of Land Management;
and JOEL WILLIS, individually and in his Official
Capacity as an Officer and Agent of the U.S.
FEDERAL BUREAU OF INVESTIGATION;
DOES 1 through 100; and ROES 1 through 100,
inclusive,

26 Defendants.

Case No.:

COMPLAINT

&

**DEMAND FOR JURY TRIAL ON
COUNTS ONE & TWO**

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COMES NOW Plaintiff Todd C. Engel, by and through undersigned counsel, Craig A. Marquiz, Esq. of the Marquiz Law Office, P.C., and for his claims against Defendants the United States of America (“UNITED STATES”), Nadia Ahmed (“Ahmed”), Steven Myhre (“Myhre”), Daniel Bogden (“Bogden”), Daniel P. Love (“Love”), Mark Brunk (“Brunk”), Rand Stover (Stover”), Kent Kleman (“Kleman”) and Joel Willis (“Willis”), avers and alleges as follows:

JURISDICTION & VENUE

1. This Court possesses original subject matter jurisdiction over Plaintiff’s affirmative claims for relief pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), including, without limitation, Plaintiff’s: (a) 42 U.S.C. § 1983 claims against the individually-named Defendants for their deprivation of Plaintiffs’ Constitutional rights (e.g., First, Second, Fourth, Fifth, Eighth and Fourteenth Amendment rights) by persons acting under color of law; (b) an implied cause of action under *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) for Defendants’ violation of Plaintiff’s First, Fourth, Fifth and Eighth Amendment rights; (c) 42 U.S.C. § 1988 claims for the vindication of his civil rights regarding the right to purchase, keep and bear arms; (d) 28 U.S.C. § 2202 claims for declaratory relief; (e) pendent and supplemental jurisdiction over Plaintiff’s state and common law claims which arise out of a common nucleus of operative facts as their federal jurisdictional granting claims pursuant to 28 U.S.C. § 1367; and (f) exclusive jurisdiction of Plaintiff’s 28 U.S.C. § 1346 Federal Tort Claims Act (“FTCA”) claims against the United States due to the negligent, wrongful acts and/or omissions of the individually-named federal employees who, while acting in the course and scope of their employment with their respective federal agencies, caused acts and events to occur within this forum under circumstances where the United States, if a private person, would be liable to Plaintiff as detailed in 28 U.S.C. § 2674 and the laws of the State of Nevada where the Defendants’ acts or omissions occurred.

2. Venue of this matter is properly before this Court pursuant to 28 U.S.C. § 1391 as the underlying actions and corresponding damages occurred within this District, the United States is a named Defendant and several Defendants are officers or employees of the United States within this District.

PARTIES

3. Plaintiff Todd C. Engel (“Engel”) is, and at all times was, an Idaho domiciliary and citizen of the United States who was wrongfully prosecuted and convicted due to an egregious, fabricated and sham proceeding advanced by the GOVERNMENT DEFENDANTS, defined below, in the United States District Court for the District of Nevada in *United States v. Bundy et al.*, Case No. 2:16-cr-00046-GMN-PAL (“Underlying Action”).¹ Notably, in the Underlying Action, the UNITED STATES spent hundreds of millions of dollars in a multi-state effort to falsely convict Plaintiff Engel, among others, of fabricated crimes purportedly dating back to 2014 and, to that end, forced Plaintiff to wrongfully endure fifty-four (54) months of incarceration and monitoring, mostly at a sweltering federal-contractor prison in Pahrump, Nevada and at Lompoc Penitentiary in Lompoc, California. During that time, Plaintiff Engel suffered severe emotional, physical, mental, occupational and financial distress – damages and injuries which continue to this day.

4. Defendant Ahmed, upon information and belief is, and at all material times was, a Nevada domiciliary and citizen of the United States; employed as an Assistant United States Attorney (“AUSA”) in the United States Department of Justice (“DOJ”) for the District of Nevada; and who caused acts and events to occur within this forum (i.e., in her individual

¹ In the Underlying Action, nineteen (19) Bundy defendants, including Plaintiff Engel were separated into three (3) distinct trial groups; namely, the “Tier 1” (the alleged “leadership” defendants); “Tier 2” (the claimed “mid-level leadership” defendants); and “Tier 3” (the alleged “gunmen”) groups. Due to prosecutorial misconduct, including, without limitation, the intentional suppression of exculpatory evidence confirming, among other things, the innocence of Plaintiff, along with the government’s knowing and intentional use of fabricated evidence to secure an indictment against him, the first and only trial of the Tier 1 defendants was dismissed in January 2018. Shortly thereafter, all charges against the Tier 2 group were dismissed based upon the United States own motion to dismiss their Superseding Indictments with prejudice. From February 6, 2017 through April 24, 2017, however, Plaintiff Engel was forced to endure a trial as part of the GOVERNMENT DEFENDANTS Tier 3 proceeding. As noted below, Plaintiff Engel was wrongfully convicted on two charges that were subsequently vacated by the U.S. Ninth Circuit Court of Appeals due to the egregious violation of Plaintiff’s Sixth Amendment rights. Although the Judgment of the District Court was vacated, the matter was remanded for further proceedings / re-trial. The GOVERNMENT DEFENDANTS, however, recognizing the adverse implications associated with their dismissal of the Tier 1 and Tier 2 matters, voluntarily moved to dismiss all further proceedings against Plaintiff Engel, and on September 10, 2020, Plaintiff Engel was released from custody.

1 capacity as to certain acts and, as to others, in her official capacity in the scope and course of her
2 employment with the DOJ) from which Plaintiff's claims arose.

3 5. Defendant Myhre, upon information and belief is, and at all material times was, a
4 Nevada domiciliary and citizen of the United States; employed as an AUSA by the DOJ for the
5 District of Nevada; who, at certain times, served as the acting U.S. Attorney for the District of
6 Nevada; and who caused acts and events to occur within this forum (i.e., in his individual
7 capacity as to certain acts and, as to others, in his official capacity in the scope and course of his
8 employment with the DOJ) from which Plaintiff's claims arose.

9 6. Defendant Bogden, upon information and belief is, and at all material times was,
10 a Nevada domiciliary and citizen of the United States; employed as an AUSA by the DOJ for the
11 District of Nevada; who, at certain times, served as the acting U.S. Attorney for the District of
12 Nevada; and who caused acts and events to occur within this forum (i.e., in his individual
13 capacity as to certain acts and, as to others, in his official capacity in the scope and course of his
14 employment with the DOJ) from which Plaintiff's claims arose.

15 7. Defendant Willis, upon information and belief is, and at all material times was, a
16 Nevada domiciliary and citizen of the United States; employed as an officer / agent by the FBI in
17 this District; and who caused acts and events to occur within this forum (i.e., in his individual
18 capacity as to certain acts and, as to others, in his official capacity in the scope and course of his
19 employment with the FBI) from which Plaintiff's claims arose.

20 8. Defendant Love, upon information and belief is, and at all material times was, a
21 Nevada domiciliary and citizen of the United States; employed as an agent of the BLM (an
22 agency of Defendant UNITED STATES and its DOI) in this District; who served as the Special
23 Agent in Charge ("SAC") of the BLM's Gold Butte Cattle Impoundment Operation in
24 approximately April 2014; and who caused acts and events to occur within this forum (i.e., in his
25 individual capacity as to certain acts and, as to others, in his official capacity in the scope and
26 course of his employment with the BLM / DOI) from which Plaintiff's claims arose.

27 9. Defendant Stover, upon information and belief is, and at all material times was, a
28 Nevada domiciliary and citizen of the United States; employed as an officer of the BLM in this

1 District; and who caused acts and events to occur within this forum (i.e., in his individual
2 capacity as to certain acts and, as to others, in his official capacity in the scope and course of his
3 employment with the BLM / DOI) from which Plaintiff's claims arose.

4 10. Defendant Brunk, upon information and belief is, and at all material times was, a
5 Nevada domiciliary and citizen of the United States; employed as an officer of the BLM in this
6 District; and who caused acts and events to occur within this forum (i.e., in his individual
7 capacity as to certain acts and, as to others, in his official capacity in the scope and course of his
8 employment with the BLM / DOI) from which Plaintiff's claims arose.

9 11. Defendant Kleman, upon information and belief is, and at all material times was,
10 a Nevada domiciliary and citizen of the United States; employed as an officer of the BLM in this
11 District; who served as its Assistant Special Agent in Charge ("ASAC"); and who caused acts
12 and events to occur within this forum (i.e., in his individual capacity as to certain acts and, as to
13 others, in his official capacity in the scope and course of his employment with the BLM / DOI)
14 from which Plaintiff's claims arose.

15 12. Defendant UNITED STATES is the federal government and, through its various
16 agencies (e.g., the DOJ, FBI, DOI and BLM, described more specifically below) and employees
17 (i.e., Defendants Ahmed, Myhre, Bogden, Willis, Love, Stover, Brunk and Kleman) - each of
18 whom, for purposes of Plaintiff's Federal Tort Claims Act ("FTCA") claims, was acting within
19 her/his official capacity and within the scope and course of her/his employment with the
20 applicable federal agency – caused acts and events to occur within this forum from which
21 Plaintiff's claims arose.

22 A. The DOJ is, and at all material times was, an Executive Department and
23 agency of Defendant UNITED STATES; responsible for the enforcement of law and the
24 administration of justice within the United States and doing business in this District; the
25 administrator of several law enforcement agencies, including, without limitation, the FBI; and the
26 employer of Defendants Ahmed, Myhre and Bogden.

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1 limitation, developing numerous artesian springs / aquifers on the Gold Butte mountain range,
2 and securing title from the State of Nevada to the accompanying water rights.

3 19. Those springs, in turn, have served as a life force for the Bundy family's cattle
4 that were lawfully grazing on the Bundy Ranch and its surrounding lands.

5 20. Upon information and belief, as part of an egregious plan to eliminate ranching
6 operations within the region, divest or otherwise acquire the private water rights held by those
7 ranchers, including, without limitation, the Bundy family, and to sell-off or otherwise lease those
8 rights for commercial development or other land-use purposes, the DOI / BLM sought to wage
9 economic and financial warfare against the ranchers by imposing restrictive grazing permits and
10 fees, and limiting the number of cattle that could graze upon those lands.

11 21. To that end, in 1998, the UNITED STATES through the DOJ and AUSA's
12 Ahmed and Bogden initiated a civil suit against Cliven Bundy in the United States District Court
13 for the District of Nevada, Case No. 2:98-cv-00531, seeking monetary damages for his refusal to
14 obtain BLM grazing permits and pay the corresponding fees. That action, *United States v.*
15 *Cliven Bundy*, resulted in a \$1 million judgment in favor of the UNITED STATES - a majority of
16 which constituted fines, penalties and interest.

17 22. Armed with that judgment, the GOVERNMENT DEFENDANTS conspired
18 together and orchestrated a fraudulent scheme to entice Cliven Bundy and his supporters,
19 including, without limitation, Plaintiff Engel into an armed confrontation in April 2014
20 stemming from, among other things: the rounding-up and seizure of certain Bundy Ranch cattle,
21 and staging of same in Bunkerville, Nevada; the egregious execution of other cattle from
22 helicopters circling the Bundy Ranch and surrounding Gold Butte area; and their unauthorized
23 destruction of various Bundy family spring sites.

24 23. The round-up operation was intentionally and deliberately carried out, upon
25 information and belief, at the specific direction of Defendants Ahmed, Myhre, Bogden, Love,
26 Stover, Brunk and Kleman in a brutal, violent and aggressive manner.

27 24. Notably, upon information and belief, BLM SAC Love and Officer Stover
28 determined that violent, aggressive, excessive and authoritarian tactics would force Cliven Bundy

1 and his supporters (including Plaintiff Engel) to react or otherwise respond physically, and
2 thereby “justify” the GOVERNMENT DEFENDANTS’ planned “use of force in the Cattle
3 Impoundment Operation.

4 25. To that end, a whistleblower memorandum authored by BLM Special Agent
5 Larry Wooten in November 2017 expressly documented and memorialized Defendant Love’s
6 stated intention to violently kick Cliven Bundy in the mouth as other BLM agents arrested him
7 and took him to the ground.

8 26. The GOVERNMENT DEFENDANTS’ Cattle Impoundment Operation and
9 resulting “standoff” proved to be an absolute disaster for the GOVERNMENT DEFENDANTS;
10 notably, hundreds of protestors, including, without limitation, Plaintiff Engel, came out to
11 support the Bundy family, express their anger for the federal government’s abuse of power, its
12 usurpation of State’s rights and the unconstitutional taking and destruction of private property in
13 violation of law.

14 27. Notably, on April 6, 2014, Plaintiff Engel, while watching FOX News (national),
15 became concerned when he observed a news report detailing the existence of helicopters and
16 heavily-armed federal BLM officers around a cattle-rancher’s property in Mesquite, Nevada.
17 Immediately thereafter, Plaintiff Engel began monitoring social media and other news outlets to
18 gain additional information as to what was taking place and why. In the course of that
19 information-gathering process, Plaintiff Engel reviewed: (a) a video detailing Dave Bundy’s
20 arrest by federal law enforcement officers after Dave Bundy lawfully captured photographs of
21 federal sniper teams located on a hillside near the Bundy Ranch; (b) a video detailing the
22 throwing / body-slammings of a 60-year old woman (Margaret Houston) to the ground by federal
23 law enforcement officers from the BLM in the same general area; (c) federal law enforcement
24 officers release of an attack dog and their assault upon the cattle rancher’s son (Ammon Bundy),
25 including, without limitation, their tasing of him; and (d) a news agency’s interview of Cliven
26 Bundy wherein Mr. Bundy described that the Bundy Ranch was surrounded by federal snipers.

27 28. Based upon the foregoing, Plaintiff Engel was concerned that the situation
28 brewing in Nevada would rapidly escalate to another Ruby Ridge incident and, desirous of

1 showing his support for the Bundy family and to hopefully de-escalate the matter, made the
2 decision to travel from Idaho to Bunkerville, Nevada on April 10, 2014.

3 29. Plaintiff Engel arrived in Bunkerville, Nevada on the morning of April 12, 2014
4 and, upon his arrival, learned that Cliven Bundy and others had gathered at a stage to protest the
5 Government's taking of the Bundy Family's cattle. After listening to Cliven Bundy, Ammon
6 Bundy and Clark County Sheriff Doug Gillespie speak, Plaintiff Engel learned that the State of
7 Nevada had intervened and directed the BLM to stand-down on their Cattle Impoundment
8 Operation. Notably, as a result, the BLM would be leaving the area, removing their assets and
9 that the Bundy Family's cattle were going to be released.

10 30. Based upon that information, the crowd that had assembled, including, without
11 limitation, Plaintiff Engel, all traveled to the Toquop Wash to observe the release of the Bundy
12 Family's cattle from the BLM impoundment area. Upon his arrival at the Toquop Wash parking
13 area, Plaintiff Engel learned from another protestor that the Government had not yet dispersed
14 and that there were federal law enforcement officers aiming assault weapons at protestors that
15 had gathered under the Toquop Wash bridge. Plaintiff Engel, and dozens of other people,
16 immediately walked to the top of the bridge and, at that time, Plaintiff observed federal officers
17 pointing high-powered assault rifles at him and others on and underneath the bridge.

18 31. Approximately thirteen (13) minutes later, Plaintiff Engel moved away from the
19 bridge toward the Toquop Wash parking area to locate State or local law enforcement officers
20 who might be able to render assistance. Ultimately, Plaintiff Engel encountered Nevada
21 Highway Patrol Sergeant Shannon Serena and Trooper Clay Madsen and asked for their
22 assistance in de-escalating the matter. Notably, Plaintiff Engel accompanied these two State law
23 enforcement officers back to the Toquop Wash bridge and identified where he observed federal
24 officers pointing the high-powered sniped and assault rifles at him and others on and under the
25 bridge. Sergeant Serena immediately telephoned the Las Vegas Metropolitan Police Department
26 and spoke with a high-ranking Officer who was already on-scene. Upon information and belief,
27 that same LVMPD Officer approached several federal law enforcement officers and directed that
28 . . .

1 they immediately lower their rifles and holster their weapons. The federal officers complied and,
2 shortly thereafter, all federal officers dispersed and left the scene.

3 32. Although Plaintiff Engel did not engage in any wrongful conduct (and, in fact,
4 was deemed by Sergeant Serena to have been helpful in de-escalating the situation according to
5 Sergeant Serena's trial testimony), Plaintiff Engel, nevertheless, was: wrongfully arrested,
6 detained, imprisoned and in-custody for over four and one-half (4 ½) years (i.e., 54 months and 1
7 week), in federally-contracted prisons, including, without limitation, a prison in Pahrump,
8 Nevada and Lompoc Penitentiary in Lompoc, California (i.e., before being released from custody
9 based upon the UNITED STATES motion to dismiss his case based, in part, upon: (a) the Ninth
10 Circuit Court of Appeal's determination that he was wrongfully convicted on two criminal counts
11 (i.e., obstruction of justice under 18 U.S.C. § 1503; and Interstate Travel in Aid of Extortion
12 under 18 USC § 1952) in violation of his Sixth Amendment right to self-representation; and
13 (b) the judicially-determined wrongdoings, including, without limitation, prosecutorial
14 misconduct, the GOVERNMENT DEFENDANTS' knowing and intentional use of fabricated
15 evidence to wrongfully arrest, detain, convict and imprison Plaintiff, and said Defendants
16 knowing and intentional failure to disclose extensive exculpatory evidence memorializing same).
17 During that time, Plaintiff Engel was wrongfully separated from his family, friends and loved
18 ones and forced to endure the GOVERNMENT DEFENDANTS' rogue prosecution based upon
19 on fabricated charges for crimes he did not commit. Further, prior to his arrest, Plaintiff Engel
20 was subjected to "Mandatory Security Screening" each time he sought to board a commercial
21 flight and, since that time, has been precluded from purchasing firearms based upon the
22 GOVERNMENT DEFENDANTS' designation of him as a "domestic terrorist."

23 33. Notably, Plaintiff Engel was falsely indicted in the Underlying Action on eleven
24 (11) felony counts, including, without limitation, conspiracy, conspiracy to impede federal
25 officers, assaulting, threatening, extorting, and obstructing federal officers, and four (4) counts of
26 using firearms in crimes of violence resulting from a "standoff" with agents of the BLM and
27 other federal agencies near Bunkerville, Nevada in connection with the GOVERNMENT
28 DEFENDANTS' Cattle Impoundment Operation.

1 **Federal Employee Defendants' Individualized Conduct & Personal Liability Therefor**

2 34. Plaintiff fully incorporates herein by this reference all allegations contained in
3 paragraphs 1 through 33 of this Complaint.

4 35. Normally federal prosecutors, as advocates, enjoy near absolute immunity from
5 lawsuits over their conduct. However, when, as here, prosecutors abandon the confines of their
6 offices and assume the role of an investigator, they are exposed to the same liability which
7 attaches to any officer or investigator for performing that investigative function. *See Buckley v.*
8 *Fitzsimmons*, 509 U.S. 259, 273-74 (1993).

9 36. The conduct of Defendants Ahmed, Myhre and Bogden here presents the
10 quintessential example of prosecutors abandoning their prosecutorial role, assuming the role of
11 investigators and removing their absolute immunity veils.

12 37. Notably, a March 27, 2014 e-mail authored by a BLM agent (whose name was
13 redacted in court documents from the Underlying Action) to Sal Lauro, BLM Director of the
14 Office of Law Enforcement & Security ("OLES"), and Amy Lueders, BLM's Nevada State
15 Director, confirmed that the U.S. Attorneys Office (led by Defendant Bogden in 2014) was
16 "attempting to direct [the] law enforcement efforts" and was actually planning and staging the
17 events well before the rogue criminal prosecution commenced. Namely:

18 [a]s for the rest of the operational guidance, it appears the NV USA is
19 directing tactical decisions, something I've never seen in 19 years of
20 law enforcement....[I]'m in a unique situation in which I must work with
a prosecution agency that is attempt[ing] to direct my enforcement efforts.
(Emphasis Added).

21 38. Further, where, as here, prosecutors knowingly obtain false statements from
22 witnesses for the purpose of prosecuting another, it is a fabrication of evidence for which
23 absolute immunity is not available. *Milstein v. Cooley*, 257 F.3d 1004, 1011 (9th Cir. 2001).

24 39. Moreover, since Defendants Ahmed, Myhre, Bogden, Love, Brunk, Stover,
25 Kleman and Willis "knew or reasonably should have known that the action[s] [they] took within
26 [their] sphere of official responsibility would violate the constitutional rights of the
27 [PLAINTIFF], or [because they] took the action[s] with ... malicious intent[] to cause a
28 deprivation of constitutional rights or other injury," the individually-named Defendants similarly

1 abandoned any claim, right or entitlement to qualified immunity regarding their unconstitutional
2 conduct. *Harlow v. Fitzgerald*, 457 U.S. 800, 815 (1982).

3 40. Under the direction, guidance and control of Defendants Ahmed, Myhre and
4 Bogden, Defendants Love, Stover, Brunk, Kleman and others carefully prepared and fabricated
5 evidence throughout the investigation stage of the Underlying Action, and knowingly,
6 intentionally and willfully concealed exculpatory evidence regarding Plaintiff's innocence and
7 the outrageous, unlawful and unconstitutional aspects of the GOVERNMENT DEFENDANTS'
8 conduct related thereto.

9 41. For example, Defendants Willis, Love, Brunk, Stover and Kleman along with
10 other agents and officers of the FBI and BLM, intentionally and systematically fabricated, shaped
11 and "clarified" evidence and testimony, altered records, withheld evidence, and gave false
12 testimony so that the GOVERNMENT DEFENDANTS could falsely accuse, obtain grand jury
13 indictments against, detain, prosecute and convict Plaintiff of crimes he did not commit.

14 42. In the days following the April 12, 2014 "standoff" and cattle release, many
15 GOVERNMENT DEFENDANT witnesses authored reports and gave interviews. Notably,
16 Defendant Brunk reported that, on April 6, 2014, he witnessed Dave Bundy's false arrest from a
17 hilltop where Defendant Brunk "was acting as a spotter/observer for a BLM sniper." Nearly a
18 year later, on February 24, 2015, Defendant Willis attempted to "correct" Defendant Brunk's
19 prior statement by having Defendant Brunk "clarify" that he "never acted as a spotter/observer
20 for a BLM sniper, nor did he ever tell the FBI [that] he acted as a spotter/observer for a BLM
21 sniper during his original interview."

22 43. Upon information and belief, Defendant Willis attempted to "correct" the record
23 and his subsequent testimony to protect himself and Defendants Ahmed, Myhre and Bogden
24 from prosecution for providing or otherwise suborning contrary, perjured testimony before the
25 Grand Jury, and to assist the GOVERNMENT DEFENDANTS in furtherance of their unlawful
26 conspiracy. Upon information and belief, Defendant Willis's clandestine attempt to "clarify" the
27 statement of an employee of another federal agency (the BLM) was performed at the direction of
28 Defendants Ahmed, Myhre and Bogden. In this regard, Defendants Ahmed, Myhre, Bogden and

1 Willis each knew that Defendant Brunk's prior witness statement was true and correct and, to
2 conceal that truth and shroud their own misconduct, said Defendants falsified evidence and
3 withheld exculpatory evidence to ensure that the GOVERNMENT DEFENDANTS' "version of
4 events" matched the fabricated record that Defendants Ahmed, Myhre, Bogden and Willis had
5 presented to the Grand Jury to secure rogue indictments against Plaintiff. Not only did
6 Defendants Ahmed, Myhre, Bogden and Willis falsely inform the Grand Jury that the UNITED
7 STATES did not deploy snipers in 2014, these same Defendants later drafted the indictments to
8 wrongly accuse the Bundy defendants, including Plaintiff, of falsely alleging that there were.

9 44. In furtherance of the GOVERNMENT DEFENDANTS' fabricated scheme,
10 Defendant Love cloaked the BLM Cattle Impoundment Operation as merely an effort to enforce
11 a 2013 civil court order obtained by Defendants Ahmed and Bogden. In reality, however, the
12 primary purpose behind the 2014 Cattle Impoundment Operation was to frame and entrap Cliven
13 Bundy and other supporters, including Plaintiff Engel, to react or otherwise physically respond to
14 the GOVERNMENT DEFENDANTS' violent, aggressive, excessive and authoritarian tactics,
15 and thereby, "justify" the GOVERNMENT DEFENDANTS' planned "use of force" and their
16 fabrication of criminal charges against them.

17 45. To that end, the GOVERNMENT DEFENDANTS staged a confrontation between
18 the Bundys and BLM "contract cowboys" during a local television news interview on March 28,
19 2014. Notably, Defendants Love and Stover coordinated, timed and orchestrated the arrival of
20 the BLM-hired "contract cowboys" and their corresponding equipment to coincide with a pre-
21 arranged television interview between Cliven Bundy and his sons with KLAS Channel 8 News at
22 that same location (an interview, upon information and belief, that was surreptitiously arranged
23 by Defendants Love and Stover).

24 46. Defendants Love and Stover secretly filmed the encounter between the Bundys
25 and the BLM's "contract cowboys" with the intent of provoking violence and/or hostilities
26 between them – conduct which, in turn, would prompt law enforcement intervention and the
27 planned arrests of Cliven Bundy and his supporters. The Bundys and their supporters, however,
28 did not respond to the BLM's "contract cowboys" provocation and, instead, peacefully

1 photographed the “contract cowboys” to memorialize the incident and the egregious attempt by
2 the GOVERNMENT DEFENDANTS to entrap or otherwise provoke the Bundys into a violent
3 response.

4 47. Notwithstanding the foregoing, the UNITED STATES would later use video from
5 this March 28, 2014 BLM “contract cowboy” incident to intentionally mislead a federal grand
6 jury into issuing indictments, essentially spinning this incident as an example of the Bundys’
7 provocation of the BLM, including their violent response to the BLM’s Cattle Impoundment
8 Operation and its “stand-off” area near the Toquop Wash and Interstate-15 in Clark County,
9 Nevada.

10 48. Moreover, during their investigative efforts in 2013 and leading up to the
11 March and April 2014 incidents, DOJ representatives, including, without limitation, Defendants
12 Ahmed, Myhre and Bogden, upon information and belief, knowingly, intentionally and willfully
13 modified, revised and supplemented the operational plan proposed by Defendants Love and
14 Stover to ensure that the final Cattle Impoundment Operation would, among other things:
15 outrage the ranching community, especially the Bundy family and their supporters, including
16 Plaintiff Engel; provoke a confrontation between them; and entrap the Bundy family and their
17 supporters, including, without limitation, Plaintiff Engel, into responding with physical acts of
18 violence that would justify the GOVERNMENT DEFENDANTS’ arrest, detainment and
19 incarceration of Cliven Bundy and other Bundy family supporters, including, without limitation,
20 Plaintiff Engel and the other Tier 2 and Tier 3 supporters.

21 49. Pursuant to that scheme, the GOVERNMENT DEFENDANTS closed to the
22 public nearly six hundred thousand (600,000) acres of land in the Gold Butte and Overton Arm
23 areas, and purposefully forced all those who wanted to challenge the GOVERNMENT
24 DEFENDANTS’ actions to do so at one of two small dirt parcels adjacent to highways in the
25 Bunkerville area known as “First Amendment Zones.” Notably, these two areas, located a
26 considerable distance away from the BLM’s Cattle Impoundment Operation and orchestrated
27 “staging area,” were, upon information and belief, purposefully selected by Defendants Ahmed,
28 Myhre and Bogden, Love, Stover and Brunk, among others, to maximize the impairment of any

1 protestor's First Amendment rights, including, without limitation, the Bundy Family members,
2 their supporters and Plaintiff Engel, and incite those who would protest against the
3 GOVERNMENT DEFENDANTS' rogue operation and unconstitutional conduct (e.g., the
4 purposeful destruction of the Bundy family's spring sites/artesian wells and accompanying water
5 rights), into a physical altercation.

6 50. In particular, the GOVERNMENT DEFENDANTS' egregious plan, orchestrated
7 by Defendants Ahmed, Myhre and Bogden, Love, Stover and Brunk, among others: seized cattle
8 belonging to Cliven Bundy and the Bundy Ranch; visibly transported same to the BLM's
9 "staging area;" demonstrably shoot several other cattle from helicopters circling the Bundy
10 Ranch and surrounding areas; and, after having destroyed several thousands of dollars worth of
11 the Bundy family's water right improvements and artesian springs / aquifers, purposefully
12 paraded a convoy of DOI / BLM vehicles and other construction demolition equipment
13 before the Bundys, the Tier 2 Plaintiffs and their supporters to provoke them into resisting or
14 otherwise defying the GOVERNMENT DEFENDANTS' efforts.

15 51. In furtherance of that same scheme, the GOVERNMENT DEFENDANTS, and
16 others at their direction and control, later brutally arrested, assaulted, beat and kicked
17 Dave Bundy (Cliven Bundy's son), as Defendants Ahmed, Myhre, Bogden, Love, Stover and
18 Brunk, among others, had planned.

19 52. Plaintiff Engel became aware of the GOVERNMENT DEFENDANTS' egregious
20 conduct on the nightly news from his home in Idaho and on social media outlets that had
21 published content regarding the GOVERNMENT DEFENDANTS' violation of multiple
22 constitutional rights of American citizens and the physical violence inflicted upon Dave Bundy.

23 53. Throughout that entire investigative / pre-judicial process, Defendants Ahmed,
24 Myhre, Bogden, Love, Stover and Brunk, among others, purposefully, intentionally and
25 knowingly sought to infringe upon various well-known and clearly understood federal and state
26 constitutional rights for the calculated and orchestrated purpose to entrap the Bundys and their
27 supporters, including, without limitation, Plaintiff Engel, and instigate them into physically or
28 ...

1 violently responding to the GOVERNMENT DEFENDANTS' egregious actions and interference
2 with those rights.

3 54. Although the GOVERNMENT DEFENDANTS collectively knew that their
4 concocted charges were false, they, nevertheless, deceptively attempted to strong-arm Plaintiff
5 Engel into accepting a plea (knowing that any such agreement could be used against all of the the
6 other named Bundy defendants in the Underlying Action). In this regard, the GOVERNMENT
7 DEFENDANTS, at the direction of Defendants Ahmed, Myhre and Bogden, advised Plaintiff,
8 among other things, that: a conviction against him on all counts would impose mandatory
9 minimum life sentences which would separate him from his friends, family and loved ones for
10 many years – an outcome that could be avoided if he simply pled guilty to one or more of the
11 bogus conspiracy charges and accepted a plea of 10 years in jail, rather than spending the rest of
12 his life behind bars.

13 55. The GOVERNMENT DEFENDANTS, at the direction of Defendants Ahmed,
14 Myhre and Bogden, directed that informants be planted among Plaintiff Engel during his
15 incarceration and that other inmates housed with him surreptitiously be offered the immediate
16 release from custody if those inmates would testify falsely against Plaintiff Engel and the other
17 Bundy Defendants regarding the GOVERNMENT DEFENDANTS' concocted criminal charges.

18 56. The GOVERNMENT DEFENDANTS, at the direction of Defendants Ahmed,
19 Myhre and Bogden, also prepared, instructed, and directed others to prepare fabricated
20 investigative documents for those inmates to sign, thus manufacturing false evidence that would
21 be used in their rogue prosecution against Plaintiff Engel in violation of law and Plaintiff's
22 constitutional and due process rights.

23 **The State of Nevada's Intervention & De-Escalation Efforts (State Action)**

24 57. Recognizing that the unlawful and unconstitutional powder-keg lit by the
25 GOVERNMENT DEFENDANTS was rapidly escalating out of control, Nevada's former
26 Governor (Brian Sandoval), former Clark County Sheriff (Doug Gillespie) and Assistant Clark
27 County Sheriff (Joe Lombardo) intervened to de-escalate the matter.

28 ...

1 58. Notably, in the midst of increasing political pressure and public outrage over the
2 GOVERNMENT DEFENDANTS' egregious conduct, the former Nevada Governor, Clark
3 County Sheriff and Assistant Sheriff took control of the scene and, through Assistant Clark
4 County Sheriff Joe Lombardo issued orders directing the BLM and GOVERNMENT
5 DEFENDANTS to wind-down their operation and to release the Bundy family's cows from the
6 cattle pen.

7 59. Defendants Bodgen and Love, recognizing that the GOVERNMENT
8 DEFENDANTS' unlawful and unconstitutional conduct had failed to produce the planned result,
9 implemented those orders (i.e., the State action) and, under color of Nevada law, directed federal
10 and state officers to ensure that "a Bundy," if not Cliven Bundy himself, would pull the pins from
11 the cattle pens so that the DOJ could use that affirmative act to establish the GOVERNMENT
12 DEFENDANTS' fabricated theories of criminal conspiracy, extortion, armed robbery, among
13 other false claims, against the Bundy defendants, including, without limitation, Plaintiff Engel.

14 60. In accordance with the State orders and at the direction of the GOVERNMENT
15 DEFENDANTS, Margaret Houston, a sister of Cliven Bundy, ultimately "pulled the pin" on the
16 cattle pen and released the cattle. Defendants Ahmed, Myhre and Bogden, in turn, used that
17 physical act to support the GOVERNMENT DEFENDANTS' rogue prosecution of the Bundy
18 defendants, including, without limitation, Plaintiff Engel.

19 **Defendants' Longbow Productions Scam**

20 61. In furtherance of the GOVERNMENT DEFENDANTS' scheme to wrongfully
21 prosecute the Bundy defendants, including Plaintiff Engel, and to manufacture evidence in
22 support of the fabricated claims against him, Defendants Ahmed, Myhre, Bogden and Willis
23 concocted a scheme to deceive the Bundys and their supporters, including, without limitation,
24 Plaintiff Engel, into making incriminating statements or confessions through Defendants'
25 unprecedented undercover FBI operation named "Longbow Productions."

26 62. Notably, Defendants Ahmed, Myhre, Bogden and Willis, among others, directed
27 hundreds of thousands of taxpayer dollars into an operation in which masqueraded FBI
28 undercover agents falsely posed as a film crew making a documentary of the 2014 "standoff."

63. Upon information and belief, Defendants Ahmed, Myhre, Bogden and Willis directed the FBI undercover agents to entice Plaintiff Engel, along with the other to-be-named Bundy defendants, with alcohol, money and other goods and favors to exaggerate their respective involvement in the GOVERNMENT DEFENDANTS' orchestrated "standoff" or to otherwise misstate, exaggerate or falsely hype the event itself, so that the UNITED STATES could increase the likelihood of securing convictions in rogue criminal proceedings that the GOVERNMENT DEFENDANTS would ultimately initiate.

64. To that end, Defendants Ahmed, Myhre, Bogden and Willis, among others, successfully deceived various Bundy family members and supporters into participating in the "staged" interviews – interviews in which the undercover FBI agents, at said Defendants prodding, asked leading questions, with the answers later being selectively edited and later used by the GOVERNMENT DEFENDANTS in the Underlying Action.

Defendants' Subornation of Perjury & Falsehoods to the Grand Jury

65. The fact that Defendant Bogden had scripted and directed the filming of a video depicting "a Bundy" removing a pin from the cattle pen at the GOVERNMENT DEFENDANTS' Cattle Impoundment Operation became problematic for Defendants Ahmed, Myhre and Bogden when they sought to obtain a grand jury indictment against the Bundy defendants, including Plaintiff Engel, the following year.

66. Since AUSA Bogden stepped out of his role as prosecutor and assumed the role of investigator (one who directed, supervised and led law enforcement personnel in the filming of that incident), he was a material witness thereto - one who was never cross-examined or otherwise testified regarding that unprotected, unprivileged conduct.

67. Notably, during the October 14, 2015 Grand Jury proceedings, Defendant Myhre purposefully avoided a Grand Juror's question directed at the UNITED STATES involvement in the pin removal act and purposefully proffered evasive testimony to avert Defendant Love from disclosing the truth regarding that incident. In particular:

MYHRE: But you never received any order to release the cattle?

LOVE: No sir, did not.

1 An unknown grand juror asked Love to clarify his statements indicating that Dave
 2 Bundy and Ryan Bundy “*did release the cattle*” “*but on your [Love’s] authority,*
 3 *is that correct?*” Love responded “*No I did not give them the authority to release*
the cattle.” The Grand juror followed up: “*No but I’m just saying it’s on your*
authority you had them release the cattle . . .”

4 At that point Myhre interrupted the proceedings, stopped Love from answering
 5 and began to testify himself by asking leading questions.

6 **MYHRE:** “But your decision wasn’t to release the cattle, your decision was
 7 to abandon the ICP, Incident Command Post is that correct?”

8 **LOVE:** That is correct and then to turn over – obviously by abandoning
 9 the cattle are left there in the pen and I was thereby leaving the
 10 cattle and then admonishing and explaining to the Bundys that
 11 should they so choose to release those cattle they would be doing
 12 so under potential violation of federal law with recourse.”

13 **MYHRE:** “So in essence you were not giving them permission to release the
 14 cattle? You are saying we’re leaving and that if you release the
 15 cattle it’s in violation of federal law.”

16 68. Throughout 2015 and 2016, Defendants Ahmed, Myhre, Bogden, Willis, Love,
 17 Stover and Brunk deliberately, maliciously and intentionally mislead the Grand Jury so that they
 18 could falsely obtain an indictment against Plaintiff Engel.

19 69. Upon information and belief, on September 16, 2015, Defendant Ahmed
 20 knowingly, intentionally and willfully elicited false and misleading testimony from Defendant
 21 Stover before the Grand Jury regarding the BLM’s threat assessments of Plaintiff Engel and the
 22 other Bundy Defendants, and their propensity for engaging in potential acts of violence.
 23 Defendants Ahmed and Stover, well-aware that the BLM assessments actually established that
 24 the Bundys and Plaintiff Engel would not engage in potential acts of violence, elicited and
 25 provided false testimony claiming that the Bundy’s and Plaintiff Engel would, in fact, respond
 26 with potential acts of violence.

27 70. At that same time, Defendants Ahmed and Stover also knowingly, intentionally
 28 and willfully elicited and provided false and misleading testimony regarding the UNITED
 STATES use of snipers. Despite the fact that numerous federal agents / snipers were located on
 hillsides around the Bundy Ranch and Cattle Impoundment Operation’s “staging area” in
 April 2014 pursuant to the GOVERNMENT DEFENDANTS’ scheme, Defendant’s Ahmed and
 Stover egregiously claimed that the operational plan did not include the use of snipers, and the

1 purported use of snipers was merely a story concocted by the Bundy's and their supporters,
2 including Plaintiff Engel.

3 71. Defendants Ahmed and Stover also materially misled the Grand Jury regarding
4 the GOVERNMENT DEFENDANTS' First Amendment Zones imposed on the Bundy family,
5 and their supporters, including, without limitation, Plaintiff Engel, in March and April 2014.

6 72. As noted above, the GOVERNMENT DEFENDANTS closed to the public
7 nearly six hundred thousand (600,000) acres of land in the Gold Butte and Overton Arm areas
8 and, in so doing, imposed the single largest infringement on free speech in American history
9 (measured geographically).

10 73. Hundreds of Americans, including, without limitation, Plaintiff Engel, traveled to
11 the Bunkerville, Nevada area to protest the GOVERNMENT DEFENDANTS' impairment of
12 the Bundy family's First Amendment right to free speech and the expression of their religious
13 freedoms – restrictions which were also denounced by numerous public officials who readily
14 acknowledged the unconstitutionality of same.

15 74. Consequently, Defendants Ahmed and Stover knew that in order for the Grand
16 Jury to indict the demonstrators (persons who merely came to protest the GOVERNMENT
17 DEFENDANTS' egregious conduct, support the Bundy family and exercise their own
18 constitutionally-protected free speech rights), they had to knowingly, intentionally and willfully
19 mislead the Grand Jury regarding same.

20 75. To that end, on September 16, 2015, Defendants Ahmed and Stover knowingly,
21 intentionally and willfully misled the Grand Jury into believing the following:

22 **AHMED:** Did the operation plan consider having designated areas in the
23 operation area for people who wanted to view the governments
activities or the impound operation itself?"

24 **STOVER:** "It did."

25 **AHMED:** "And were those areas actually what would come to be known as
26 the First Amendment zones or First Amendment areas?"

27 **STOVER:** "Correct. . . . It included those areas not to dictate to people where
28 they could express their First Amendment rights but it allowed an
area that was safe for the public to go to and get them in as close
proximity as possible to the closed operational area so they would

1 have chance to if they wanted to view some of the gather
 2 operations?”

3 **AHMED:** “Is this setting up of areas as close as possible to where the
 4 operation activities are taking place, is that something that the
 5 BLM includes regularly in its gathering operations?”

6 **STOVER:** “Sure. . . .”

7 76. Notably, however, Defendants Ahmed and Stover knew that the First
 8 Amendment Zones: (1) were mandatory (i.e., federal officers told protesters that they must go
 9 to the designated First Amendment Zones); (2) offered no view whatsoever of any Cattle
 10 Impoundment Operations; (3) were located miles away from those operations; and (4) were
 11 actually patrolled, monitored and watched over by armed government agents.

12 77. Tellingly, during the first trial of the Tier 3 matter, Defendant Stover admitted on
 13 cross examination that the GOVERNMENT DEFENDANTS’ First Amendment Zones “were
 14 not areas that were appropriate” for citizens to exercise their First Amendment rights.

15 **Defendants’ Rogue Indictment**

16 78. On March 2, 2016, after several months of presenting fabricated, misleading and
 17 perjured evidence and testimony to the Grand Jury, Defendants Ahmed, Myhre, Bogden, Love,
 18 Stover, Brunk and Willis obtained an indictment against Plaintiff Engel – evidence which these
 19 Defendants knew was false and directly contradicted by exculpatory evidence which said
 20 Defendants knowingly, intentionally and willfully withheld from the Grand Jury, and the Bundy
 21 defendants, including, without limitation, Plaintiff Engel, and their counsel.

22 79. That same day, Defendants Ahmed, Myhre, Bogden and Willis egregiously
 23 sought the issuance of an arrest warrant for Plaintiff Engel, knowing that there was absolutely
 24 no probable cause whatsoever to support any such arrest.

25 80. To that end, Defendants Ahmed, Myhre, Bogden and Willis withheld exculpatory
 26 evidence from the judicial officer that issued the warrants, and knowingly used false, fabricated
 27 and manufactured evidence to secure same.

28 81. On March 3, 2016, Plaintiff Engel was unlawfully arrested and taken into
 custody.

1 82. Shortly thereafter, the GOVERNMENT DEFENDANTS filed their indictment
2 against him and, although the indictment measured sixty (60) pages in length and accused 19
3 men of 16 separate criminal counts (notably, 11 for Plaintiff Engel), the indictment was silent as
4 to any basis or probable cause to detain, arrest or otherwise prosecute Plaintiff Engel for any of
5 those crimes.

6 83. Notably, Plaintiff Engel's actual conduct (i.e., lawfully protesting the
7 Government's egregious actions) was deceptively described by the GOVERNMENT
8 DEFENDANTS in their rogue indictment as threatening, assaulting and extorting federal
9 officers, obstructing justice, and conspiring to violate federal laws or impede federal officers.

10 84. Further, after the indictment was filed in the Underlying Action, Defendants
11 Ahmed, Myhre, Bogden, Willis, Love, Stover, Brunk and Kleman conspired with one another to
12 conceal, among other evidence, the BLM threat assessments, the GOVERNMENT
13 DEFENDANTS' use of snipers and other exculpatory evidence from Plaintiff Engel, and all of
14 the Bundy defendants, in the Underlying Action.

15 85. The indictment also falsely claimed that the Bundy defendants in the Tier 1
16 proceeding "caused images of DAVE BUNDY's arrest to be broadcasted ... combining them
17 with false, intentionally misleading and deceptive statements 'to the effect' [that the] BLM
18 supposedly employed snipers ... used excessive force ... and arrested Bundy for exercising his
19 First Amendment rights."

20 86. During an evidentiary hearing of the Tier 1 trial, it was irrefutably established
21 that the BLM did, in fact, employ snipers and use excessive force.

22 87. Those same facts, in conjunction with the United States' intentional withholding
23 of exculpatory evidence (*Brady* disclosures and materials) and prosecutorial misconduct
24 prompted Chief Judge Navarro to dismiss the United States case against the Tier 1 defendants.

25 88. The indictment also baldly asserted that Plaintiff Engel had used firearms in
26 several serious crimes of violence. At no time, however, did Plaintiff Engel ever display, use, or
27 threaten to use a firearm, nor did he commit any crimes, let alone a crime of violence. While it
28 is true that Plaintiff Engel was lawfully in possession of a rifle at certain times on April 12,

2014, his possession thereof was in full accordance with his Second Amendment right to bear arms and, at all times, was maintained in a safe, proper and lawful manner – at no time did he display, use, or threaten to use his firearm, nor commit any crime, let alone a crime of violence.

False Allegations Against Engel

89. The rogue indictment against Plaintiff Engel simply alleged that he “was a resident of Idaho who traveled to Nevada with the intent to commit the crimes set forth” therein, and accused him of being a “gunman who threatened, impeded, intimidated, interfered with, assaulted and extorted federal law enforcement officers while in the performance of their duties.”

90. At no time, however, did the GOVERNMENT DEFENDANTS possess probable cause to arrest, detain or otherwise prosecute Plaintiff Engel.

91. Moreover, the GOVERNMENT DEFENDANTS knew that each and every material accusation set forth in the Indictment against Plaintiff Engel was inaccurate, false and intentionally misleading.

Defendants’ Wrongful Concealment of Threat Assessments & Other Misrepresentations to Federal & Magistrate Judges

92. In furtherance of GOVERNMENT DEFENDANTS’ conspiracy to keep Plaintiff Engel falsely imprisoned (i.e., so that his release from custody could be used as a potential bargaining chip in securing a negotiated plea arrangement from one of the Tier 1 defendants, most notably, Cliven Bundy), Defendants Ahmed, Myhre and Bogden argued to the Court that the Plaintiff Engel and the other Bundy Defendants were the most dangerous, violent criminals in the history of Nevada.

93. Defendants Ahmed, Myhre and Bogden made these egregious statements knowing, among other things, that: (a) according to their own internal (i.e., DOJ / U.S. Attorney’s Office) threat assessments, neither Plaintiff Engel nor any of the Bundy Defendants were dangerous or violent, nor did they otherwise pose any risk of being same; (b) their false statements would enable the GOVERNMENT DEFENDANTS to wrongfully detain Plaintiff Engel, preclude him from being released on bail, and deny him a speedy trial; and (c) their falsehoods would deprive Plaintiff Engel of various federal and state constitutional rights.

1 94. Defendants Ahmed, Myhre and Bogden also materially misled the Court
2 regarding evidence which undermined the GOVERNMENT DEFENDANTS' false portrayal of
3 Plaintiff Engel and the lengths to which he would purportedly go in defiance of the actions
4 taken by the UNITED STATES.

5 95. Defendants Ahmed, Myhre and Bogden, in furtherance of the GOVERNMENT
6 DEFENDANTS' conspiracy, also knowingly, intentionally and willfully misled the Court on
7 multiple occasions, regarding the FBI's involvement in this matter – egregiously representing
8 that the FBI was not involved, and that their claimed involvement by the Bundy defendants,
9 including, without limitation, Plaintiff Engel, was complete “fiction” on their part and true
10 “urban folklore.”

11 96. In reality, however, Defendants Ahmed, Myhre and Bogden knew, among other
12 things, that the FBI was actively involved and, among other things: had engaged in an extensive
13 surveillance and reconnaissance effort which included, without limitation, the Bundy defendants
14 and, upon information and belief, Plaintiff Engel, their respective properties and the
15 aforementioned First Amendment zones; conducted around-the-clock monitoring of those areas
16 from an FBI Command Center which, upon information and belief, enabled real-time viewing of
17 same by agency department officials located in Washington, D.C.; and had extensive
18 exculpatory photographic and video-surveillance documentation – none of which was ever
19 produced, disclosed or otherwise identified by the GOVERNMENT DEFENDANTS and, in
20 fact, was knowingly, intentionally and willfully concealed by them in furtherance of their
21 conspiracy – the existence of which was revealed for the first time during trial proceedings
22 involving the Tier 3 group).

23 **The Unraveling of the GOVERNMENT DEFENDANTS' Conspiracy**

24 97. In early February 2017, during the first trial of the Tier 3 defendants,² a BLM
25 Case Agent assigned to assist Defendant Love and a material witness for the UNITED STATES
26 (i.e., BLM Special Agent Larry Wooten) noticed that the defense lawyers were not cross-

28 ² The Tier 3 group consisted of Eric Parker, Scott Drexler, Greg Burleson, Steve Stewart, Rick Lovelein and Plaintiff Todd Engel.

1 examining government witnesses with expected questions arising from exculpatory evidence
2 which Mr. Wooten had provided to the UNITED STATES and Defendants Ahmed, Myhre and
3 Bogden.

4 98. On February 16, 2017, Mr. Wooten confronted Defendants Ahmed, Myhre and
5 Bogden regarding this issue, whether the UNITED STATES had properly disclosed the
6 exculpatory evidence and other suspected *Brady* violations.

7 99. Fearing that BLM Special Agent Wooten would reveal the nature and extent of
8 the GOVERNMENT DEFENDANTS' conspiracy and its unlawful/unconstitutional conduct,
9 Defendant Myhre retaliated by abruptly removing Mr. Wooten from the prosecution team and
10 any further involvement in the case.

11 100. To that end, on February 18, 2017, Defendant Myhre directed that Mr. Wooten's
12 office be raided and ordered that all of Mr. Wooten's papers and electronic files related to the
13 Underlying Action be seized by Mr. Wooten's immediate supervisor Defendant Kleman who
14 knowingly, intentionally and willfully failed to record or otherwise document those materials
15 which he removed from Mr. Wooten's office - material which, to this day, has never been
16 identified, disclosed or otherwise produced.

17 101. Upon information and belief, when Mr. Wooten learned of the unauthorized
18 search of his office and the seizure of all of his case files from the Underlying Action, he
19 complained of same to his superiors and, at that time, was threatened and warned by Myhre-
20 directed BLM officers to keep his mouth shut about the prosecutorial misconduct in the case.

21 102. After conferring with a DOI/BLM Ethics Official, the U.S. Office of Special
22 Counsel ("OSC"), the BLM Office of Law Enforcement & Security Director (Salvatore Lauro)
23 and the DOJ Office of Professional Responsibility ("OPR") – each of whom ignored
24 Mr. Wooten's concerns and sought to distance themselves from same – Mr. Wooten submitted a
25 whistleblower complaint to the DOJ Associate Deputy Attorney General and National Criminal
26 Discovery Coordinator (Andrew D. Goldsmith) to expose the GOVERNMENT
27 DEFENDANTS' egregious conduct, including, without limitation, the non-disclosure of
28 exculpatory evidence and other *Brady* violations.

1 103. Specifically, in a document entitled “Disclosure and Complaint Narrative in
2 Regard to Bureau of Land Management Law Enforcement Supervisory Misconduct and
3 Associated Cover-ups as well as Potential Unethical Actions, Malfeasance and Misfeasance by
4 United States Attorney’s Office Prosecutors from the District of Nevada, (Las Vegas) in
5 Reference to the Cliven Bundy Investigation,” (hereinafter “Whistleblower Complaint”),
6 Mr. Wooten exposed the GOVERNMENT DEFENDANTS’ conspiracy and its unlawful,
7 unconstitutional conduct.

8 104. Notably, Mr. Wooten revealed, among other things, that:

9 A. There was a “widespread pattern of bad judgment, lack of discipline,
10 incredible bias, unprofessionalism and misconduct, as well as likely policy, ethical, and legal
11 violations among senior and supervisory staff at the BLM’s Office of Law Enforcement and
12 Security.”

13 B. The “issues amongst law enforcement supervisors in our agency made a
14 mockery of our position of special trust and confidence, portrayed extreme unprofessional bias,
15 adversely affected our agency’s mission and likely the trial regarding Cliven Bundy and his
16 alleged co-conspirators and ignored the letter and intent of the law.”

17 C. “The issues [he] uncovered ... also likely put [the DOI / BLM] and
18 specific law enforcement supervisors in potential legal, civil, and administrative jeopardy.”

19 D. This was “the largest and most expansive and important investigation
20 ever within the Department of Interior.”

21 E. SAC Love “specifically took on assignments that were potentially
22 questionable and damaging (such as document shredding, research, discovery email search
23 documentation and as the affiant for the Dave Bundy iPad Search Warrant) ... [Mr. Wooten felt
24 like SAC Love] wanted to steer the investigation away from misconduct discovery ...”

25 F. “The misconduct caused considerable disruption in our workplace, was
26 discriminatory, harassing and showed clear prejudice against the defendants, their supporters
27 and Mormons.”

28 ...

1 G. “Oftentimes this misconduct centered on being sexually inappropriate,
2 profanity, appearance/body shaming and likely violated privacy and civil rights.”

3 H. There were “potentially captured comments in which [DOI / BLM] law
4 enforcement officers allegedly bragged about roughing up Dave Bundy, grinding his face into
5 the ground, and Dave Bundy having little bits of gravel stuck to his face” as a result of his
6 unlawful arrest.

7 I. “On two occasions, [Mr. Wooten] overheard [SAC Love] tell [another
8 DOI / BLM assistant special agent in charge] that another/other BLM employee(s) and potential
9 trial witnesses didn’t properly turn in the required discovery material (likely exculpatory
10 evidence.)”

11 J. SAC Love “even instigated the unprofessional monitoring of jail calls
12 between defendants .., without prosecutor or FBI consent, for the apparent purpose of making
13 fun of post arrest telephone calls”

14 K. SAC Love sought “to command the most intrusive, oppressive, large
15 scale, and militaristic trespass cattle impound possible. Additionally, this investigation also
16 indicated excessive use of force, civil rights and policy violations.

17 L. SAC Love was not regularly updating the U.S. Attorney’s Office “on
18 substantive and exculpatory case findings and unacceptable bias indications” and, as such,
19 [Mr. Wooten] personally informed ... Acting United States Attorney Steven Myhre and
20 Assistant United States Attorney (AUSA) Nadia Ahmed, as well as Federal Bureau of
21 Investigation (FBI) Special Agent Joel Willis by telephone of these issues.”

22 M. For example, Mr. Wooten advised Defendant Myhre that when Plaintiff
23 Dave Bundy was arrested “on April 6, 2014, the BLM ... the BLM SAC and others were told not
24 to make any arrests” (i.e., they had no arrest authority) and that SAC Love made exculpatory
25 statements that would need to be disclosed to the defense team including, without limitation,
26 “Go out there and kick Cliven Bundy in the mouth (or teeth) and take his cattle” and SAC
27 Love’s directive to DOI / BLM officers “to get the troops fired up to go get those cows and not
28 ...

1 take any crap from anyone” – statements which Defendant Myhre acknowledged would need to
2 be disclosed but never were.

3 N. On February 18, 2017, when Mr. Wooten “was removed from [his]
4 position, ... [SAC Love] conducted a search of [Mr. Wooten’s] individually occupied secured
5 office and secured safe within that office. During that search, ... [SAC Love] without
6 notification or permission seized the Cliven Bundy/Gold Butte Nevada Investigative ‘hard copy’
7 Case File, notes (to include specific notes on issues [Mr. Wooten] uncovered during the 2014
8 Gold Butte Nevada Trespass Cattle Impound and ‘lessons learned’) and several computer hard
9 drives that contained case material, collected emails, text messages, instant messages, and other
10 information.”

11 O. Following this seizure outside of [Mr. Wooten’s] presence and without
12 [his] permission, [SAC Love] didn’t provide any property receipt documentation (DI-105/Form
13 9260-43) or other chain of custody documentation (reasonably needed for trial) on what was
14 seized.”

15 P. Mr. Wooten “was also aggressively questioned [by SAC Love] about who
16 [Mr. Wooten] had told about the case related issues and other severe issues uncovered in
17 reference to the case and [SAC Love].”

18 Q. Mr. Wooten also notes that he was “convinced that [he] was removed to
19 prevent the ethical and proper further disclosure of severe misconduct, failure to correct and
20 report, and cover-ups” including, without limitation, “civil rights violations and excessive
21 use of force.”

22 R. To that end, Mr. Wooten identified “the loss/destruction of, or purposeful
23 non-recording of key evidentiary items (Unknown Items 1 & 2, Video/Audio, April 6, 2014,
24 April 9, 2014, April 12, 2014 - the most important and critical times in the operation).”³
25 ...

26
27 ³ In a subsequent e-mail from Mr. Wooten to (now former) DOJ Office of the
28 Inspector General Attorney Mark Masling (who was tasked with investigating this matter *after*
the Underlying Action was dismissed), Mr. Wooten noted that there was a “dumpster of shredded
BLM documents.”

1 Tellingly, Mr. Wooten concluded that he “believe[d] these issues would shock the conscious of
2 the public and greatly embarrass [the BLM] if they were disclosed.”

3 105. By October 2017, trial of the Tier 1 Bundy defendants⁴ was nearing
4 commencement and defense lawyers in that action expressed concerns to the Court regarding
5 missing documents and other evidence that had not been produced or otherwise disclosed by the
6 UNITED STATES and Defendants Ahmed, Myhre and Bogden, but were known to exist.

7 106. In response, Chief District Court Judge Navarro held an evidentiary hearing and,
8 at that hearing, numerous *Brady* violations were discovered, including, without limitation,
9 extensive exculpatory evidence regarding the Bundy Defendants, including, without limitation,
10 Plaintiff Engel, that had been knowingly, intentionally and willfully withheld by the UNITED
11 STATES and Defendants Ahmen, Myhre and Bogden.

12 107. In this regard, as the January 8, 2018 Hearing Transcript (“Transcript”) from the
13 Tier 1 Motion to Dismiss Hearing unequivocally reveals, Chief Judge Navarro expressly held,
14 among other things, that:

15 A. “A district court may dismiss an Indictment on the ground of outrageous
16 government conduct if the conduct amounts to [a] due process violation.” Transcript at 8:18-21
17 (*quoting United States v. Simpson*, 813 F.2d 1462 (9th Cir. 1991)).

18 B. “To violate due process, governmental conduct must be ... ‘so grossly
19 shocking and so outrageous as to violate the universal sense of justice.’” Transcript at 9:01-05
20 (*quoting United States v. Restrepo*, 930 F.2d 705 (1991); *United States v. Ramirez*, 710 F.2d
21 535 (9th Cir. 1983)).

22 C. “Outrageous government conduct occurs when the actions of law
23 enforcement officers or informants are so outrageous that due process principles would
24 absolutely bar the government from invoking judicial processes to obtain a conviction.”
25 Transcript at 9:09-16 (*quoting United States v. Archie*, 2016 WL 475234 (D.Nev. 2016), *cert*
26 ...

27
28 ⁴ The Tier 1 group consisted of Cliven Bundy, his sons Ryan Bundy and Ammon Bundy, and Ryan Payne.

1 *denied*, 2019 WL 5152784 (9th Cir. 2019); *United States v. Black*, 733 F.3d 294 (9th Cir. 2013);
2 *United States v. Russell*, 411 U.S. 423 (1973)).

3 D. “[D]ismissal under this ‘extremely high’ standard is appropriate only in
4 ‘extreme cases in which the government’s conduct violates fundamental fairness.’” Transcript at
5 9:17-21 (*quoting U.S. v. Pedrin*, 797 F.3d 792 (9th Cir. 2015); *United States v. Smith*, 924 F.2d
6 889 (9th Cir. 1991)).

7 E. “So, when reviewing a claim alleging that the Indictment should be
8 dismissed because the government’s conduct was outrageous, evidence is viewed in the light
9 most favorable to the government.” Transcript at 9:22 to 10:01 (*citing United States v. Gurolla*,
10 333 F.3d 944 (9th Cir. 2003)).

11 F. “The concept of outrageous government conduct focuses on the
12 government’s actions.” Transcript at 10:02–3 (*citing United States v. Restrepo*, 930 F.2d 705
13 (1991)).

14 G. “Here in this case, both the prosecution and the investigative agencies are
15 equally responsible for the failure to produce *Brady* materials to the defense.” Transcript at
16 10:04-06.

17 H. The Court finds the prosecution’s representations that it was unaware of
18 the materiality of the *Brady* evidence is grossly shocking.” Transcript at 10:13-15.

19 I. “[T]he government was well aware that theories of self-defense,
20 provocation and intimidation might become relevant if the defense could provide a sufficient
21 offer of proof to the Court. However, the prosecution denied the defense its opportunity to
22 provide favorable evidence to support their theories as a result of the government’s withholding
23 of evidence and this amounts to a *Brady* violation.” Transcript at 10:22 to 11:11.

24 J. “[T]he prosecutor has a duty to learn of favorable evidence known to
25 other government agents, including the police, if those persons were involved in the
26 investigation or prosecution of the case.” Transcript at 11:07–11 (*citing Kyles v. Whitley*, 514
27 U.S. 419 (1995)).

28 ...

1 K. “Clearly, the FBI was involved in the prosecution of this case.” Transcript
2 at 11:12.

3 L. “Based on the prosecution’s failure to look for evidence outside of that
4 provided by the FBI and the FBI’s failure to provide evidence that is potentially exculpatory to
5 the prosecution for discovery purposes, the Court finds that a universal sense of justice has been
6 violated.” Transcript at 11:13–17.

7 M. Alternatively, a district court may exercise its supervisory powers in three
8 different enumerated ways: Number one, ‘to remedy unconstitutional or statutory violation[s]’;
9 number two, ‘to protect judicial integrity by ensuring that a conviction rests on appropriate
10 considerations validly before a jury’; or number three, ‘to deter future illegal conduct.’
11 Transcript at 11:24 to 12:06 (quoting *United States v. Simpson*, 813 F.2d 1462 (9th Cir. 1991)).

12 N. “In *United States vs. W.R. Grace*,” 504 F.3d 745 (9th Cir. 2007) “the
13 Ninth Circuit clarified that the exercise of the Court’s inherent powers is not limited to these
14 three grounds enumerated in *Simpson*” Transcript at 11:24 to 12:07-10.

15 O. “Dismissal is appropriate when the investigatory or prosecutorial process
16 has violated a federal Constitution or statutory right and no lesser remedial action is available.”
17 Transcript at 12:11-14 (quoting *U.S. v. Barrera-Moreno*, 951 F.2d 1089 (9th Cir. 1991)).

18 P. “The Ninth Circuit has recognized that exercise of a supervisory power is
19 an appropriate means of policing ethical misconduct by prosecutors.” Transcript at 11:15-18
20 (citing *U.S. v. Lopez*, 4 F.3d 1455 (9th Cir. 1993)).

21 Q. “So ‘dismissal under the Court’s supervisory powers for prosecutorial
22 misconduct requires both: ‘Number one, flagrant misbehavior, and number two, substantial
23 prejudice.’” Transcript at 12:19-23 (quoting *United States v. Kearns*, 5 F.3d 1251 (9th Cir.
24 1993)).

25 R. “Neither accidental nor mere negligent governmental conduct is
26 sufficient. The idea of prejudice entails that the government’s conduct had at least some impact
27 on the verdict and thus rounded to the defendant’s prejudice.” Transcript at 12:24 to 13:02.

28 . . .

1 S. “In Order for the Court to dismiss an Indictment under the supervisory
2 powers, the Court must find that there has been flagrant prosecutorial misconduct, substantial
3 prejudice to the defendants, and that no lesser remedial action is available.” Transcript at 13:03-
4 06.

5 T. “So the Court looks to *Chapman, U.S. v. Chapman*.” [524 F.3d 1073 (9th
6 Cir. 2008)] ... The district court in *Chapman* found that the ‘Assistant U.S. Attorney acted
7 flagrantly, willfully and in bad faith’ and that he had made ‘affirmative misrepresentations to the
8 Court,’ and that the defendants would be prejudiced by a new trial and that no lesser standard
9 would adequately remedy the harm done after reviewing the totality of the proceedings before
10 it.” Transcript at 14:8, 14:12-18.

11 U. “The Ninth Circuit held that the *Chapman* court did not abuse its
12 discretion by dismissing the Indictment pursuant to its supervisory powers.” Transcript at 14:10-
13 21.

14 V. “‘The prosecutor has a ‘sworn duty’ to assure that the defendant has a fair
15 and impartial trial. His interest in a particular case is not necessarily to win, but to do justice.’”
16 Transcript at 15:14-17 (*quoting U.S. v. Chapman*.” 524 F.3d 1073 (9th Cir. 2008)).

17 W. “[T]he fact that the prosecution failed to look beyond the files provided
18 by the FBI is not mere negligence; it is a reckless disregard for its Constitution[al] obligations to
19 learn and seek out favorable evidence. The prosecution’s reliance on the FBI to provide the
20 required information amounted to an intentional abdication of its responsibility.” Transcript at
21 16:11-16 (Emphasis Added).

22 X. “Thus, the Court does find that there has been flagrant prosecutorial
23 misconduct in this case” Transcript at 19:09-10.⁵

24 ...

25
26 ⁵ With regard to the prejudice resulting from the government’s recent production of
27 BLM Officer Wooten’s Whistleblower Complaint, Judge Navarro was troubled by his “abrupt
28 removal ... in February 2017, allegedly by the prosecution because he complained of Special
Agent in Charge Dan Love’s misconduct, the investigating law enforcement officer’s bias, the
government’s bias, and the failure to disclose exculpatory evidence.” Transcript at 19:23 to
20:05.

1 Y. “The Court is troubled by the prosecution’s failure to look beyond the
2 FBI file that was provided and construes the Brady violations in concert as a reckless disregard
3 of its discovery obligations. The government’s recklessness and the prejudice the defendants
4 will suffer as a result of a retrial warrant the extreme measure of dismissing the Indictment
5 because no lesser sanction would adequately ... deter future investigatory and prosecutorial
6 misconduct.” Transcript at 20:14-21.

7 Z. “[The government’s] conduct has caused the integrity of a future trial and
8 any resulting conviction to be even more questionable. Both the defense and the community
9 possess the right to expect a fair process with a reliable conclusion. Therefore, it is the Court’s
10 position that none of the alternative sanctions available are as certain to impress the government
11 with the Court’s resoluteness in holding prosecutors and their investigative agencies to the
12 ethical standards which regulate the legal profession as a whole.” Transcript at 20:23 to 21:07.

13 AA. “*The Court finds that the government’s conduct in this case was indeed*
14 *outrageous, amounting to a due process violation*, and that a new trial is not an adequate
15 sanction for this due process violation.” Transcript at 21:08-11 (Emphasis Added).

16 BB. “Even if the government’s conduct did not rise to the level of a due
17 process violation, the Court would nonetheless dismiss under its supervisory powers because
18 there has been flagrant misconduct, substantial prejudice, and no lesser remedy is sufficient ...
19 Number one, to properly remedy the constitutional violation; number two, to protect judicial
20 integrity by ensuring that a conviction rests only on appropriate considerations validly before a
21 jury; and number three, to deter future illegal conduct.” Transcript at 21:12-16, 21:20-24.

22 108. On the heels of the GOVERNMENT DEFENDANTS’ conspiracy being exposed
23 and the lead case of the consolidated matter being dismissed, the UNITED STATES, on
24 February 7, 2018 voluntarily moved to dismiss, with prejudice, their fabricated criminal charges
25 against the Tier 2 Defendants.

26 109. Plaintiff Engel subsequently appealed his conviction, claiming, among other
27 things, that because his Sixth Amendment rights were violated, his conviction was improper as a
28 matter of law. On August 6, 2020, the Ninth Circuit Court of Appeals agreed, holding that his

1 Sixth Amendment right to self-representation had been violated and, as a result, vacated his
 2 conviction and remanded the matter for a new trial.

3 110. The GOVERNMENT DEFENDANTS, in light of their flagrant prosecutorial
 4 misconduct, their reckless disregard for their Constitutional obligations and numerous *Brady*
 5 violations, moved to dismiss the Government's claims against Plaintiff Engel on September 8,
 6 2020. The District Court granted the GOVERNMENT DEFENDANTS' Unopposed Motion to
 7 Dismiss that same day and/on September 10, 2020, Plaintiff Engel was released from custody.

8 111. Notably, the GOVERNMENT DEFENDANTS' fabricated charges against
 9 Plaintiff Engel directly, proximately and foreseeably caused, among other things: (a) the false
 10 arrest of Plaintiff; (b) the wrongful denial of bail; (c) the unlawful detainment, imprisonment
 11 and monitoring of Plaintiff Engel; (d) the egregious separation of Plaintiff Engel from his
 12 family, friends and loved ones; (e) ongoing stress and mental, physical and emotional anguish
 13 which Plaintiff Engel continues to experience; (f) the inability for Plaintiff Engel to freely
 14 practice his faith and attend weekly worship services / other church events; (g) financial,
 15 occupational and reputational harm as a result of the GOVERNMENT DEFENDANTS'
 16 egregious branding and characterization of Plaintiff in the media as a "domestic terrorist;"
 17 (h) the loss of gainful employment, including, without limitation, future impairment for
 18 Plaintiff's chosen profession; (I) harassment and embarrassment resulting from the
 19 GOVERNMENT DEFENDANTS' placement and continued maintenance of him on the
 20 mandatory screening processes before being allowed to fly which results in improper
 21 detainment, interrogation, delays and other travel restrictions when he attempts to fly
 22 commercially; and (j) interference with Plaintiff Engel's right to lawfully acquire and bear arms
 23 due to the GOVERNMENT DEFENDANTS' placement of Plaintiff on secret lists which
 24 disqualifies and precludes him from purchasing firearms.

25 **The GOVERNMENT DEFENDANTS' Constitutional & Statutory Violations**

26 112. Plaintiff fully incorporates herein by this reference all allegations contained in
 27 paragraphs 1 through 111 of this Complaint.

28 . . .

113. As a direct, proximate and foreseeable cause of the GOVERNMENT DEFENDANTS' conspiracy (one that involved multiple egregious acts performed by the individually-named Defendants in their official capacity; that is, within the scope and course of their employment of their respective federal agencies, and performed in furtherance of that conspiracy), along with other independent, unprivileged acts performed by Defendants Ahmed, Myhre, Bogden, Love, Stover, Brunk, Kleman and Willis in their individual capacity and for which said Defendants are personally liable, Plaintiff Engel's rights were knowingly, intentionally and willfully violated, infringed and impaired by Defendants, including, without limitation:

A. Plaintiff's right to assemble, exercise free speech and lawfully protest against the UNITED STATES egregious conduct and its wrongful curtailment of his rights by the GOVERNMENT DEFENDANTS in contravention of the First Amendment to the United States Constitution; Article 1, Sections 1 (Inalienable Rights), 9 (Liberty of Speech) and 10 (Right to Assemble & Petition) of the Nevada Constitution; and Nevada Revised Statute ("NRS") 41.637's protection of good faith communications in furtherance of Plaintiff's right to petition or the right to free speech in direct connection with an issue of public concern, including any "[c]ommunication made in direct connection with an issue of public interest in a place open to the public or in a public forum."

B. Plaintiff's right to lawfully purchase, keep and bear arms as provided for in the Second Amendment to the United States Constitution; Article 1, Section 11 (Right to Keep & Bear Arms; Civil Power Supreme) of the Nevada Constitution; and NRS 244.364 which vests control over the regulation of, and policies concerning, firearms, firearm accessories and ammunition with the Nevada State Legislature, including, without limitation, the regulation of transfers, sales and purchases of same;

C. The GOVERNMENT DEFENDANTS' fabricated indictment, unlawful arrest, rogue detainment, preclusion of bail, false imprisonment and malicious prosecution (i.e., without probable cause or due process of law) deprived Plaintiff of his life, liberty and property rights, and constituted cruel and unusual punishment in contravention of the Fourth,

1 Fifth and Eighth Amendments to the United States Constitution; Article 1, Section 1
 2 (Inalienable Rights), Section 6 (Excessive Bail & Fines), Section 8 (Rights of Accused in
 3 Criminal Prosecutions) and Section 18 (Unreasonable Seizure & Search; Issuance of Warrants)
 4 of the Nevada Constitution; NRS 199.310 (Malicious Prosecution) and NRS 200.460 (False
 5 Imprisonment).

6 D. The GOVERNMENT DEFENDANTS' abhorrent and outrageous
 7 conduct – conduct which irrefutably shocks the conscious – egregiously deprived Plaintiff of his
 8 life, liberty and property rights in contravention of substantive and procedural due process
 9 rights; rights guaranteed to them by the Fifth Amendment of the United States Constitution and
 10 Article 1, Section 8 of the Nevada Constitution.

11 E. The GOVERNMENT DEFENDANTS' egregious placement and
 12 maintenance of Plaintiff on the "Prohibited Persons List" for purchasing or otherwise acquiring
 13 a weapon governed by the Gun Control Act, 18 U.S.C. 922(g) based upon fabricated evidence
 14 and the GOVERNMENT DEFENDANTS' egregious branding and characterization of him as a
 15 "domestic terrorist" without notice or an opportunity to be heard also violates Plaintiff's
 16 substantive and procedural due process rights in violation of the Second Amendment to the
 17 United States Constitution and Article 1, Section 11 (Right to Keep & Bear Arms) of the
 18 Nevada Constitution. Notably, the Prohibited Persons List only applies to persons:

- 19 • Convicted in any court of a crime punishable by imprisonment for a term
 20 exceeding one year;
- 21 • who is a fugitive from justice;
- 22 • who is an unlawful user of or addicted to any controlled substance (as defined in
 23 section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 892);
- 24 • who has been adjudicated as a mental defective or has been committed to any
 25 mental institution;
- 26 • who is an illegal alien;
- 27 • who has been discharged from the Armed Forces under dishonorable conditions;
- 28 • who has renounced his or her United States citizenship;
- who is subject to a court order restraining the person from harassing, stalking, or
 threatening an intimate partner or child of the intimate partner; or

1 • who has been convicted of a misdemeanor crime of domestic violence.
 2 None of the aforementioned prohibitions, however, apply to Plaintiff and, as such, the
 3 GOVERNMENT DEFENDANTS' placement and continued maintenance of Plaintiff Engel on
 4 this Prohibited Persons List is, and remains, unconstitutional.

5 G. The GOVERNMENT DEFENDANTS' unlawful arrest, detainment and
 6 incarceration of Plaintiff also precluded him from freely practicing his faith and attending
 7 weekly worship services / other church events in violation of the First and Eighth Amendments
 8 to the United States Constitution, and Article 1, Section 4 (Liberty of Conscience) and Section 6
 9 (Cruel & Unusual Punishment) of the Nevada Constitution.

10 **FIRST CLAIM FOR RELIEF**
 11 **(Deprivation of Civil Rights - 42 U.S.C. § 1983)**

12 (All GOVERNMENT DEFENDANTS)

13 114. Plaintiff fully incorporates herein by reference all allegations contained in
 14 paragraphs 1 through 113 of this Complaint.

15 115. Pursuant to 42 U.S.C. § 1983, persons who, acting under color of state law,
 16 deprive another of rights guaranteed under the Constitution are accountable for same. *Gomez v.*
 17 *Toledo*, 446 U.S. 635, 640 (1980).

18 116. Although "Section 1983 does not create any substantive rights," it serves as "the
 19 vehicle whereby plaintiffs can challenge actions by governmental officials." *Jones v. Williams*,
 20 297 F.3d 930, 934 (9th Cir. 2002).

21 117. To state a claim under 42 U.S.C. 1983, a plaintiff must allege two essential
 22 elements: (1) violation of a right secured by the Constitution or laws of the United States, and
 23 (2) that the alleged deprivation was committed by a person acting under the color of state law.
 24 *West v. Atkins*, 487 U.S. 42, 48 (1988).

25 118. As set forth above, the GOVERNMENT DEFENDANTS, acting in their
 26 individual capacities, deprived Plaintiff Engel of his First, Second, Fourth, Fifth and Eighth
 27 Amendment rights arising under the United States Constitution; along with rights guaranteed to
 28 him under Article 1, Sections 1 (Inalienable Rights), Section 4 (Liberty of Conscience), Section
 6 (Excessive Bail & Fines), Section 8 (Rights of Accused in Criminal Prosecutions), 9 (Liberty

1 of Speech), 10 (Right to Assemble & Petition), Section 11 (Right to Keep & Bear Arms; Civil
2 Power Supreme) and Section 18 (Unreasonable Seizure & Search; Issuance of Warrants) of the
3 Nevada Constitution; and NRS 41.637 (“Good Faith Communications), NRS 244.364 (State
4 Control Over Regulation of Firearms), NRS 199.310 (Malicious Prosecution) and NRS 200.460
5 (False Imprisonment).

6 119. As set forth above, the GOVERNMENT DEFENDANTS’ individualized
7 conduct was intended to, and did in fact, deprive Plaintiff of his Federal and State Constitutional
8 rights without substantive and procedural due process, and equal protection of law.

9 120. As set forth above, all of the GOVERNMENT DEFENDANTS acted under color
10 of law or lawful authority and power of the State of Nevada.

11 121. Notably, the catalyst giving rise to the fabricated criminal charges advanced by
12 the UNITED STATES against Plaintiff in the Underlying Action was the GOVERNMENT
13 DEFENDANTS’ implementation of the orders issued by the former Nevada Governor (Brian
14 Sandoval), the Clark County Sheriff (Doug Gillespie) and Assistant Clark County Sheriff (Joe
15 Lombardo) (i.e., to wind-down their operation and for a “Bundy” representative open the cattle
16 pen and release the Bundy family’s cows from the impound area).

17 122. Defendants Bodgen and Love, recognizing that the GOVERNMENT
18 DEFENDANTS’ unlawful and unconstitutional conduct had failed to produce the planned
19 result, implemented those orders (i.e., the State action) and, under color of Nevada law, directed
20 federal and state officers to ensure that “a Bundy,” if not Cliven Bundy himself, would pull the
21 pins from the cattle pens so that the DOJ could use that affirmative act to establish the
22 GOVERNMENT DEFENDANTS’ fabricated theories of criminal conspiracy, extortion, armed
23 robbery, among other false claims, against the Bundy defendants, including, without limitation,
24 Plaintiff Engel.

25 123. In accordance with the State orders and at the direction of the GOVERNMENT
26 DEFENDANTS, Margaret Houston, a sister of Cliven Bundy, ultimately “pulled the pin” on the
27 cattle pen and released the cattle. Defendants Ahmed, Myhre and Bogden, in turn, used that
28 ...

1 physical act to support the GOVERNMENT DEFENDANTS' rogue prosecution of the Bundy
2 defendants, including, without limitation, Plaintiff Engel.

3 124. As a direct, proximate and foreseeable cause of the GOVERNMENT
4 DEFENDANTS' egregious conduct, Plaintiff's Constitutional rights were deprived and, as a
5 result, Plaintiff Engel is entitled to monetary damages for his injuries, including, without
6 limitation: compensatory damages for the impairment of his reputation; personal humiliation;
7 mental anguish and suffering; mental and emotional distress; financial harm; and the loss of
8 gainful employment, including, without limitation, future impairment for Plaintiff's chosen
9 profession; attorneys' fees and costs.

10 **SECOND CLAIM FOR RELIEF**
11 **Deprivation of Constitutional & Civil Rights and Conspiracy Claim**

12 *(Bivens Claims - All GOVERNMENT DEFENDANTS*
13 *First, Fourth, Fifth & Eighth Amendment Violations)*

14 125. Plaintiff fully incorporates herein by reference all allegations contained in
15 paragraphs 1 through 124 of this Complaint.

16 126. In *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403
17 U.S. 388 (1971), the Supreme Court "recognized for the first time an implied private action for
18 damages against federal officers alleged to have violated a citizen's constitutional rights."
19 *Western Radio Services Co. v. U.S. Forrest Service*, 578 F.3d 1116, 1119 (9th Cir. 2009)
(quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 673 (2009)).

20 127. "Specifically, the Court in *Bivens* allowed a plaintiff to bring a damages action in
21 federal court against individual federal officials for violating the Fourth Amendment, despite the
22 absence of any federal statute authorizing such an action." *Id.* (citing *Bivens*, 403 U.S. at 397).

23 128. Since that time, the Supreme Court has concluded that "an implied right of action
24 for money damages was consistent with congressional intent" for individual federal official's
25 violations of the Fifth and Eighth Amendments. *Id.*; see also *Davis v. Passman*, 442 U.S. 228
26 (1979) (Fifth Amendment); *Carlson v. Green*, 446 U.S. 14 (1980) (Eighth Amendment).

27 129. In 2007, the Supreme Court provided further guidance and declared "a two-step
28 analysis for determining congressional intent as to the appropriateness of a *Bivens* remedy."

1 *Western Radio Services Co.*, 578 F.3d at 1119 (*quoting Wilkie v. Robbins*, 551 U.S. 537, 561-
 2 562 (2007)). Namely: (1) “whether there is ‘any alternative, existing process for protecting’ the
 3 plaintiff’s interests” and, “if the Court cannot infer that Congress intended a statutory remedial
 4 scheme to take the place of a judge-made remedy,” (2) “whether there nevertheless are ‘factors
 5 counseling hesitation’ before devising such an implied right of action.” *Id.* (*quoting Wilkie*, 551
 6 U.S. at 550).

7 130. Plaintiff Engel affirmatively alleges, therefore, that, for purposes of his First and
 8 Fifth Amendment Claims, the ‘ individual-capacity conduct was purposefully directed with a
 9 discriminatory purpose against him based upon his religious beliefs, and in express
 10 contravention of his equal protection and freedom of expression rights. *Ashcroft v. Iqbal*, 556
 11 U.S. 662, 676 (2009) (*citing Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 540-
 12 41 (1993)). Notably, as memorialized in the Wooten Whistleblower Complaint, the
 13 GOVERNMENT DEFENDANTS purposefully, intentionally and willfully engaged in their
 14 calculated, egregious conduct because of [Plaintiff’s] religious preference,” including, without
 15 limitation, Defendant Stover who exhibited extreme Anti-Mormon bias and religious hatred
 16 against the Bundy family and their supporters and, in conjunction with the other
 17 GOVERNMENT DEFENDANTS, conducted the Cattle Impoundment Operation in a manner
 18 designed to humiliate, victimize and harm Plaintiff.

19 131. As detailed above, the GOVERNMENT DEFENDANTS, in their individual
 20 capacity, fabricated evidence, suborned and provided perjurious testimony, obtained false
 21 indictments, unlawfully arrested, falsely imprisoned and held Plaintiff in-custody for fifty-four
 22 (54) months and maliciously prosecuted him without probable cause or due process of law.

23 132. Plaintiff affirmatively alleges that, where, as here, prosecutors and law
 24 enforcement officers knowingly, intentionally and willfully engage in the fabrication or
 25 falsification of evidence, subornation and providing of perjurious testimony, and engage in other
 26 egregious acts during the “investigative function [] normally performed by a detective or police
 27 officer,” that conduct constitutes a violation of due process. *Lanuza v. Love*, 899 F.3d 1019,
 28 1025-26 (9th Cir. 2018) (*citing Buckley v. Fitzsimmons*, 509 U.S. 259, 273 (1993)); *see also*

1 *Hartman v. Moore*, 547 U.S. 250, 260-61 (holding that a *Bivens* remedy may be available for
2 malicious prosecution); *Engel v. Buchan*, 710 F.3d 698, 708 (7th Cir. 2013) (extending *Bivens*
3 remedies in the *Brady* context).

4 133. As detailed above, former Chief District Court Judge Navarro previously held,
5 among other things, that:

- 6 A. “[*The government’s conduct in [the Underlying Action] was indeed*
7 *outrageous, amounting to a due process violation*”, and that a new
8 trial is not an adequate sanction for this due process violation.” Transcript
9 at 21:08-11 (Emphasis Added); and
10 B. “Even if the government’s conduct did not rise to the level of a due
11 process violation, the Court would nonetheless dismiss under its
12 supervisory powers because there has been flagrant misconduct,
substantial prejudice, and no lesser remedy is sufficient ... Number one, to
properly remedy the constitutional violation; number two, to protect
judicial integrity by ensuring that a conviction rests only on appropriate
considerations validly before a jury; and number three, to deter future
illegal conduct.” Transcript at 21:12-16, 21:20-24.

13 134. Plaintiff further alleges that the GOVERNMENT DEFENDANTS, in their
14 individual capacity, entered into an express or implied agreement to deprive Plaintiff of his
15 Constitutional rights, memorialized, in part, in their Cattle Impoundment Operation plan and
16 aforementioned fabrication, destruction and concealment scheme. *Ting v. U.S.*, 927 F.2d 1504,
17 1512 (9th Cir. 1991) (setting forth necessary elements to establish a civil conspiracy claim under
18 *Bivens*); *see also Dooley v. Reiss*, 736 F.2d 1392, 1394-95 (9th Cir.), *cert. denied*, 469 U.S.
19 1038 (1984) (holding a conspiracy to deprive a plaintiff of a civil rights action by lying or
20 concealing evidence might constitute actionable deprivation under *Bivens*).

21 135. Plaintiff alleges that as a direct, proximate and foreseeable cause of that rogue
22 agreement and civil conspiracy, Plaintiff’s Constitutional rights were actually deprived in
23 contravention of the First, Fourth, Fifth and Eighth Amendment.

24 136. As a direct, proximate and foreseeable cause of the GOVERNMENT
25 DEFENDANTS’ egregious conduct, performed in their individual capacities, Plaintiff’s First,
26 Fourth, Fifth and Eighth Amendment Constitutional rights, under *Bivens*, were deprived and,
27 therefore, Plaintiff is entitled to monetary damages for his injuries, including, without
28 limitation: compensatory damages for the impairment of his reputation; personal humiliation;

1 mental anguish and suffering; mental and emotional distress; financial harm; and the loss of
 2 gainful employment, including, without limitation, future impairment for Plaintiff's chosen
 3 profession; attorneys' fees and costs.

4 **THIRD CLAIM FOR RELIEF**
Declaratory Relief - 42 U.S.C. § 1988 & 28 U.S.C. § 2202

(UNITED STATES)

6
 7 137. Plaintiff fully incorporates herein by reference all allegations contained in
 8 paragraphs 1 through 136 of this Complaint.

9 138. Pursuant to 42 U.S.C. § 1988, district courts are vested with jurisdiction to
 10 protect the civil rights of all persons within the United States, and to vindicate same in
 11 conformity with the laws of the United States.

12 139. Further, 28 U.S.C. § 2202 expressly enables this Court to enter further, necessary
 13 or proper relief based on a declaratory judgment or decree that might be granted, after
 14 reasonable notice and hearing, against any adverse party whose rights have been determined by
 15 such judgment.

16 140. A justiciable controversy exists between the Plaintiff and the UNITED STATES
 17 regarding Plaintiff's egregious placement and continuing existence on the "Prohibited Persons
 18 List" for purchasing or otherwise acquiring a weapon governed by the Gun Control Act,
 19 18 U.S.C. 922(g) (i.e., based upon fabricated evidence and the GOVERNMENT
 20 DEFENDANTS' egregious branding and characterization of Plaintiff as a "domestic terrorist");
 21 for Defendant Willis's unlawful retention of Plaintiff's rifle and load-bearing vest which were
 22 egregiously confiscated by the UNITED STATES and the FBI following Plaintiff's unlawful
 23 arrest; and for other personal property wrongfully confiscated and/or stolen by a confidential
 24 informant and/or FBI agent (including Plaintiff's (a) 2007 Dodge Ram 3500 customized pick-up
 25 truck; (b) his Suzuki 750 ATV; (c) a Yamaha customized motorcycle; (d) a metal detector;
 26 (e) various rifles and firearms; (f) ammunition; (g) rifle scopes; (h) laser guides / sites; and
 27 (I) over \$30,000 in silver coins).

28 141. Plaintiff's and the UNITED STATES' respective interests are adverse to one
 another.

1 142. Plaintiff has a legally protectable interest in the outcome of this Court's
2 resolution of said dispute.

3 143. The issue is ripe for adjudication.

4 144. As a direct, proximate and foreseeable cause of the UNITED STATES wrongful
5 placement of the Plaintiff's name on the Prohibited Persons List and its erroneous maintenance
6 of same on that List, the UNITED STATES' unlawful retention of Plaintiff's rifle and load-
7 bearing vest, and the UNITED STATES' unlawful retention of other personal property items
8 (e.g., weapons, ammunition and gear), Plaintiff has been denied his rights under the Second
9 Amendment of the United States Constitution, Article I, Section 11 of the Idaho Constitution
10 (Right to Keep and Bear Arms), and for the State of Idaho's rights regarding same under IRS
11 18-3302J (which vests control over the regulation of, and policies concerning, firearms, firearm
12 accessories and ammunition with the Idaho State Legislature, including, without limitation, the
13 regulation of transfers, sales and purchases of same).

14 145. As a result, Plaintiff seeks an Order from this Court: (a) restoring his rights to
15 purchase, keep and bear arms; (b) directing the UNITED STATES to remove Plaintiff's name
16 from the Prohibited Persons List; (c) directing the UNITED STATES to immediately return
17 Plaintiff's rifle and load-bearing vest which, upon information and belief, remains in the
18 custody, possession and control of Defendant Willis and the FBI; (d) directing the UNITED
19 STATES' confidential informant and/or FBI agent to immediately return Plaintiff's personal
20 property (including Plaintiff's (1) 2007 Dodge Ram 3500 customized pick-up truck; (2) his
21 Suzuki 750 ATV; (3) a Yamaha customized motorcycle; (4) a metal detector; (5) various rifles
22 and firearms; (6) ammunition; (7) rifle scopes; (8) laser guides / sites; and (9) over \$30,000 in
23 silver coins); and (e) awarding Plaintiff his costs, fees and expenses, including, without
24 limitation, attorneys' fees and expert fees under 42 U.S.C § 1988.

25 **FOURTH CLAIM FOR RELIEF**
26 **(Federal Tort Claims Act Claims - 28 U.S.C. § 2671 *et seq.*)**

27 (UNITED STATES)

28 146. Plaintiff fully incorporates herein by reference all allegations contained in
paragraphs 1 through 145 of this Complaint.

1 147. Pursuant to 28 U.S.C. § 1346(b), “federal district courts have jurisdiction over a
 2 certain category of claims for which the [UNITED STATES] has waived its sovereign immunity
 3 and ‘render[ed]’ itself liable,” including, without limitation, “‘claims that are: [1] against the
 4 United States, [2] for money damages, ... [3] for injury or loss of property, or personal injury or
 5 death [4] caused by the negligent or wrongful act or omission of any employee of the
 6 Government [5] while acting within the scope of his office or employment, [6] under
 7 circumstances where the United States, if a private person, would be liable to the
 8 claimant in accordance with the law of the place where the act or omission occurred.’” *F.D.I.C.*
 9 *v. Meyer*, 510 U.S. 471, 477 (1994) (quoting 28 U.S.C. § 1346(b)).

10 148. “A claim comes within this jurisdictional grant – and thus is ‘cognizable’ under
 11 § 1346(b) – if it is actionable under § 1346(b). And a claim is actionable under § 1346(b) if it
 12 alleges the six elements outlined above.” *Id.* (citing *Loeffler v. Frank*, 486 U.S. 549 (1988))

13 149. The Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2671 *et seq.*, is the
 14 exclusive remedy for tort actions against a Federal agency (28 U.S.C. § 2679(a)) and against
 15 Federal employees who commit torts while acting within the scope and course of their
 16 employment (28 U.S.C. § 2679(b)(1)).

17 150. As set forth above, the GOVERNMENT DEFENDANTS engaged in certain
 18 tortious acts in their official capacities while other acts were performed in their individual
 19 capacities for which said Defendants are, and remain, personally liable.

20 151. With regard to the GOVERNMENT DEFENDANTS’ tortious conduct that was
 21 performed while they were “acting within the scope of [their official] office[s] or employment at
 22 the time of the incident out of which the [Plaintiff’s] claim[s] arose,” the UNITED STATES is
 23 solely liable for that conduct as mandated by 28 U.S.C. § 2679(d)(2)) and the Federal
 24 Employees Liability Reform & Tort Compensation Act of 1988 (“Westfall Act”).

25 152. Similarly, Plaintiff’s exclusive remedy for his tort-based claims against the
 26 GOVERNMENT DEFENDANTS’ employers (i.e., the DOJ, DOI, BLM and FBI) is the
 27 UNITED STATES (28 U.S.C. § 2679(a)).

28 ...

153. To that end, 28 U.S.C. § 2680(h) expressly provides that the UNITED STATES is also liable for certain intentional torts that are based on the “acts or omissions” of an “investigative or law enforcement officer” and include “[a]ny claim arising out of ... false imprisonment, false arrest, [and] malicious prosecution” *Millbrook v. U.S.*, 569 U.S. 50, 52 (2013) (citing 28 U.S.C. § 2680(h); see also *Levin v. United States*, 568 U.S. 503 (2013)).

154. Here, Plaintiff has valid State-law tort claims arising out of, related to and connected with the GOVERNMENT DEFENDANTS’ tortious conduct that was performed in their official capacity and during the scope and course of their employment with the DOJ, DOI / BLM and FBI, including, without limitation, the following claims:

A. False Arrest

In Nevada, to establish false arrest, ‘a plaintiff must show the defendant instigated or effected an unlawful arrest.’ *Jones v. Las Vegas Metropolitan Police Dept.*, 2011 WL 13305450 at *3 (D.Nev. 2011) (quoting *Nau v. Sellman*, 757 P.2d 358, 260 (Nev. 1988)). To that end, Plaintiff affirmatively alleges that the GOVERNMENT DEFENDANTS fabricated evidence, suborned and provided perjurious testimony, and egregiously withheld and destroyed exculpatory evidence so that they could erroneously secure Grand Jury Indictments upon which the false arrest warrant was issued against Plaintiff. Plaintiff further alleges that, as a direct, proximate and foreseeable cause of the GOVERNMENT DEFENDANTS’ tortious acts related to the instigation or effectuation of the unlawful arrest of Plaintiff (i.e., those acts performed in their official capacity, scope and employment with the DOJ, DOI/BLM and FBI), the UNITED STATES is, and remains, liable therefor.

B. False Imprisonment

In Nevada, “[f]alse imprisonment is an unlawful violation of the personal liberty of another, and consists in confinement or detention without legal sufficient authority.” NRS 200.460. “To establish false imprisonment of which false arrest is an integral part, it is ... necessary to prove that the person be restrained of his liberty under probable imminence of force without any legal cause or justification.” *Jones*, 2011 WL 13305450 at *3 (quoting *Hernandez v. City of Reno*, 634 P.2d 668, 671 (Nev. 1981)). “Thus, ‘an actor is subject to liability to

another for false imprisonment ‘if (a) he acts intending to confine the other ... within the boundaries fixed by the actor, and (b) his act directly or indirectly results in a confinement of the other, and (c) the other is conscious of the confinement or is harmed by it.’” *Id.* (quoting Restatement (Second) of Torts § 35 (1965)). Plaintiff, here, affirmatively alleges that he was unlawfully detained, imprisoned and in-custody by the UNITED STATES for fifty-four (54) months, at a sweltering federal-contractor prison in Pahrump, Nevada and at Lompoc Penitentiary in Lompoc, California. Plaintiff further alleges that, as a direct, proximate and foreseeable cause of those tortious acts related to his unlawful incarceration (i.e., acts performed by the GOVERNMENT DEFENDANTS in their official capacity, scope and employment with the DOJ, DOI/BLM and FBI), those acts: (a) were performed with the intention of confining the Plaintiff to prison; (b) they directly or indirectly resulted in the Plaintiff’s confinement; and (c) Plaintiff was conscious of that unlawful confinement. As a result, the UNITED STATES is, and remains, liable therefor.

C. Malicious Prosecution

In Nevada, “[a] person who maliciously and without probable cause therefor, causes or attempts to cause another person to be arrested or proceeded against for any crime of which that person is innocent” is liable for malicious prosecution. NRS 199.310. In this regard, to state a claim for malicious prosecution under Nevada law, a Plaintiff must allege: “(1) that the defendant lacked probable cause to initiate a prosecution; (2) malice; (3) the prior criminal proceedings were terminated in his favor; and (4) Plaintiff suffered damages.”

Anderson v. United States, 2019 WL 6357256 at *2 (D.Nev. 2019) (quoting *LaMantia v. Redisi*, 118 Nev. 27, 30, 38 P.3d 877, 879 (Nev. 2002)). Plaintiff, here, affirmatively alleges that the GOVERNMENT DEFENDANTS’ fabrication of evidence, elicitation and providing of perjurious testimony, along with the egregious withholding and destruction of exculpatory evidence so that they could wrongfully secure a Grand Jury Indictment and arrest warrant against Plaintiff establishes the absence of probable cause, along with the malicious intent of said Defendants’ conduct. Plaintiff further alleges that the UNITED STATES’ dismissal, with prejudice, of all charges against him unequivocally establishes that the Underlying Action was

1 terminated in Plaintiff's favor. Moreover, as detailed below, Plaintiff sustained damages as a
 2 direct, proximate and foreseeable cause of the aforementioned tortious conduct.

3 D. Intentional Infliction of Emotional Distress

4 In *Sheehan v. U.S.*, 896 F.2d 1168, 1172 (9th Cir. 1990), the Ninth
 5 Circuit Court of Appeals expressly recognized the appropriateness of an intentional infliction of
 6 emotional distress claim in FTCA actions. To that end, in Nevada, "[t]he elements of a cause of
 7 action for intentional infliction of emotional distress are '(1) extreme and outrageous conduct
 8 with either the intention of, or reckless disregard for, causing emotional distress, (2) the
 9 plaintiff's having suffered severe or extreme emotional distress and (3) actual or proximate
 10 causation.'" *Dillard Dept. Stores, Inc. v. Beckwith*, 115 Nev. 372, 378, 989 P.2d 882, 886 (Nev.
 11 1999). Plaintiff here affirmatively alleges that the GOVERNMENT DEFENDANTS' conduct
 12 (i.e., for those acts performed in their official capacity, scope and employment with the DOJ,
 13 DOI/BLM and FBI) was: (1) extreme and outrageous and accomplished with the intent, or
 14 reckless disregard for, causing Plaintiff emotional distress; (2) the Plaintiff, in fact, has suffered,
 15 and continues to suffer from, severe and extreme emotional distress; which (3) was actually or
 16 proximately caused. As a result, the UNITED STATES is, and remains, liable for Plaintiff's
 17 damages (discussed below).

18 E. Theft / Conversion

19 Conversion is "a distinct act of dominion wrongfully exerted over
 20 another's personal property in denial of, or inconsistent with his title or rights therein or in
 21 derogation, exclusion or defiance of such title or rights." *Wantz v. Redfield*, 74 Nev. 196, 198,
 22 326 P.2d 413, 414 (1958). Conversion is an act of general intent, which does not require
 23 wrongful intent and is not excused by care, good faith, or lack of knowledge. *Evans v. Dean*
 24 *Witter Reynolds, Inc.*, 116 Nev. 598, 606, 5 P.3d 1043, 1048 (2000). Upon information and
 25 belief, an FBI confidential informant and/or federal agent befriended Mr. Engel during the two
 26 years after the Toquop Wash incident and prior to his arrest. Following Mr. Engel's arrest, the
 27 confidential informant / federal agent entered onto Mr. Engel's property (without permission)
 28 and removed various items of Mr. Engel's personal property with the government's knowledge

and/or consent, including, without limitation: (1) his 2007 Dodge Ram 3500 customized pick-up truck; (2) his Suzuki 750 ATV; (3) a Yamaha customized motorcycle; (4) a metal detector; (5) various rifles and firearms; (6) ammunition; (7) rifle scopes; (8) laser guides / sites; and (9) over \$30,000 in silver coins. In aggregate, Mr. Engel has sustained \$200,000 in property damages related to the theft of his property.

155. Pursuant to 28 U.S.C. § 1346(b), Plaintiff has timely and properly submitted a Claim for Damage, Injury or Death to the UNITED STATES and its requisite agencies and, as such, has fully satisfied his obligation to present his FTCA claims to the Court.

WHEREFORE, Plaintiff is entitled to judgment against the Defendants, and each of them, for the following relief:

- A. Monetary damages in an amount to be proven at trial;
- B. Attorneys' fees and costs as to Counts One through Three;
- C. Pre-judgment and post-judgment interest pursuant to law;
- D. For hedonic damages in favor of the Plaintiff for the impairment of his future employment opportunities;
- E. Compensatory damages arising out of, related to or connected with the reputational harm of being branded a "domestic terrorist;"
- F. Declaratory relief as to the GOVERNMENT DEFENDANTS' wrongful placement of Plaintiff on the "Prohibited Persons List" for purchasing, keeping and bearing firearms, and the return of his rifle and load-bearing vest; and other personal property;
- G. All such other and further relief as the Court may deem just and equitable, including, without limitation, post-judgment attorneys' fees and costs.

RESPECTFULLY SUBMITTED this 7th day of September, 2021.


 Marquiz Law Office
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