

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
600 West Capitol Ave, Rm A149
Little Rock, AR 72201**

REED K CHRISTENSEN

PLAINTIFF

v.

No: 2:24-cv-00229-DPM-PSH

**UNITED STATES DEPARTMENT OF JUSTICE and
UNITED STATES DISTRICT COURT OF D.C.**

DEFENDANTS

BRIEF IN OPPOSITION OF MOTION TO DISMISS

Introduction

Surely the first thing to be said in response to the Defendant's BRIEF IN SUPPORT OF MOTION TO DISMISS is to render a humble nod of admiration to the legal work of DOJ Attorney Lindsey Lorence. It is an impressive document, a detailed and professional brief eleven pages long, citing 26 laws or rules, supported by 32 legal precedents, and all produced in under two weeks – explaining in great detail why the court should ignore and dismiss with prejudice an account of the Federal government unjustly crushing of the life of a U.S. citizen.

Before beginning a detailed attempt to refute Lorence's brief, two thoughts come to mind upon reading its contents:

1) This case is not some small, unimportant matter to be kept out of the light of day and quietly swept under the rug. It is alleged that the government trampled over most of the plaintiff's protections granted under the Bill of Rights, and is representative of what the government did to hundreds of Jan6 defendants.

2) The main affect of reading Lorence's legal epitome was to make the plaintiff wonder what our American justice system would be like if the expert lawyers of the DOJ were mighty legal warriors for truth and justice, rather than Federal apologists reflexively working to ensure the dominance of the government over its citizens. The plaintiff had even entertained a fleeting

thought that the DOJ under the new administration, interested in investigating cases of DOJ political weaponization, might have offered some assistance to help this case proceed.

The origin and steps of the case have been previously noted, so they will not be repeated here.

The plaintiff begs the court's indulgence in the document below, as he has exhausted most of his legal citations and cases of precedence, accrued in the court-granted 45 day window, in his BRIEF IN SUPPORT accompanying his amended complaint. The sections below will try to address the Defendant's opposition in general terms of logic and reason.

Statement of Facts

The Defendant's motion to dismiss fails to account for the factual allegations in the amended complaint, which taken as true, state a plausible Federal question under 28 U.S.C. § 1331. Of the seven counts listed in the amended complaint, only for Count VI does Lorence even deign to address the validity and seriousness of the charges. One must notice how the motion to dismiss does not even attempt to claim that the allegations are trivial and not worth a hearing, depending instead on a maneuver about jurisdiction to keep the case from a proper hearing. Indeed, it is a good sign for the nation that the DOJ is not yet to the point of claiming that violations of a citizens 1st, 4th, 5th, 8th, and 14th Amendment rights are a trivial matter.

Legal Argument

A. The Defendant says: Reed Christensen Has Never Properly Commenced an Action Against Defendants and Cannot Amend a Nullity

It took the plaintiff a while to understand what the Defendant's point is on this matter: the DOJ is grumbling that the original complaint in this case was filed by REED AND MYRA CHRISTENSEN when Reed was in prison and Myra was suddenly denied access to her husband and she feared for his life. Whereas the current amended complaint is filed only by REED CHRISTENSEN.

The filing of the second amended complaint, Document 27, about which we are now wrangling, was filed as exactly allowed by this court. In Document 15 the court stated that “the Court will allow Mr. Christensen to file a second amended complaint on his own behalf should he chose to do so. If he does so, he should clarify what claims he brings, whom he is suing, and in what capacity.”

As a lowly pro se litigant, with limited legal knowledge, the plaintiff bows to the court's authority and knowledge on this point.

B. *The Defendant says:* Allegations Occurring in Washington D.C. (Counts I-V, VII): Improper Venue

This reply by Lorence, arguing improper venue, is the heart of the Defendant's motion to dismiss. The proper venue for this case and the question of jurisdiction is the exact subject of Document 28 filed by the plaintiff - the BRIEF IN SUPPORT of the amended complaint. This section will make a short review of points from that brief and let the legal arguments of that document stand on its own merits.

The main thing to note on the subject of jurisdiction, is that the amended complaint and accompanying brief divide this topic into two partitions – actions of the Executive Branch, and actions of the Judicial Branch. Five of the seven counts listed in the complaint (Counts I – III, V, VI) allege improper behavior of the Executive Branch of the Federal government. As noted in the BRIEF IN SUPPORT, the principle that a district court can judge an action of the Executive Branch is a ship that has long since sailed. In the month since the amended complaint was filed, the number of district court filings against the Trump administration has gone from 201 to 247¹. It is hard to see what remaining tattered shreds of jurisdiction decorum and procedure that Lorence is attempting to uphold – unless it is the notion that Judicial oversight over the Executive only flows from Left to Right. It should also be noted that not only has the Supreme Court failed to reign in these district courts, it has told a district court it must facilitate these Executive challenging filings by monitoring its docket all hours of the day

¹ <https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/>

and night. This prompted an appellate judge over that district to tell the Supreme Court that a district court “is not a Denny’s.”²

When it comes to asking the court to render a judgment over events that occurred in the D.C. district court, the main thing to note is that the plaintiff is not placing an appeal or asking for an overturn of sentence. Nor is the plaintiff asking for a fine or penalty against any individual. The events described and the allegations in Counts IV and VII are simply part of a larger story for which the court is asked to use its wisdom and sense of justice to make a Declaratory Judgment.

The question could also be asked as to which venue could be more appropriate than this court. Of the 16 months the plaintiff spent in Federal incarceration, 12 were spent in Arkansas. And what court in D.C. would be the least bit interested in, or capable of judging the justice of this case by issuing a Declaratory Judgment? Remember, this is the district where similar unjust and weaponized cases were brought against hundreds of Jan6 protesters.

C. *The Defendant says:* Allegations Occurring in Forrest city Arkansas (Count VI): Lack of Subject Matter Jurisdiction

The Defendant’s motion to dismiss for lack of subject matter jurisdiction is not supported by the Defendant’s facial attack. The amended complaint alleges multiple Amendment violations by federal officers, invoking federal question jurisdiction under 28 U.S.C. § 1331. These allegations, taken as true per *Haines v. Kerner*, 404 U.S. 519 (1972), establish jurisdiction.

The plaintiff’s complaint is not a “generally available grievance about government” like the high price of milk and eggs. The complaint consists of specific documented actions of multiple Federal agencies and officers who are alleged to have weaponized the government for political advantage and trampled on his Bill of Rights protections in response to an actual event held on January 6, 2021.

That the plaintiff suffered injury in fact, traceable to the challenged conduct of the defendant, is fully supported in the amended complaint (Document 27 at ¶s 88 - 90), injuries such as hundreds of

² <https://dailycaller.com/2025/05/21/dennys-federal-judge-rebukes-supreme-court-illegals-tren-de-aragua/>

thousands of dollars in legal expenses and loss of their home and property. Looking at these material losses, Lorence wonders what possible remedy a favorable Declaratory Judgment would provide “because he is no longer in custody.” The plaintiff would like to apologize for thinking this was self-evident, and for not sufficiently expounding on this in the complaint. The answer is found in the Prayer of the complaint, in which the court is asked to send its ruling to Reed and Myra's estranged children. Of all the many injuries that have befallen Reed and Myra over the last four years, nothing has been more devastating than the breakup of their once close-knit family and the loss of more than half of their children and grandchildren. Frankly, the slight chance that a favorable ruling might restore some relationships in the family is the only thing that would provide motivation for the plaintiff to remain engaged with the U.S. legal system after his deplorable experiences at its hands.

The Defendant's motion to dismiss notes that a Declaratory Judgment under the Administrative Procedures Act (“APA”) requires that any mandatory or injunctive relief specify the federal officers who are personally responsible for compliance. This observation is moot as the Prayer of the complaint absolutely does not request any mandatory or injunctive actions of any federal agency.

Finally, the plaintiff would like to thank Lorence for fully elucidating the corruption of the U.S. legal and prison system. It had not occurred to the plaintiff that a law requiring suitable subsistence to inmates also allows the BOP to use its discretion on whether to provide enough subsistence to survive.

Conclusion

For the foregoing reasons, the plaintiff asks that the Motion to Dismiss be rejected and that the court consider the amended complaint and make a Declaratory Judgment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy will be mailed to the following individual, United States mail, postage prepaid, on the 23rd day of May 2025.

Lindsey Mitcham Lorence
Assistant United States Attorney
425 W. Capitol Avenue, Suite 500
Little Rock, Arkansas 72201

By: _____
Reed K. Christensen