APPENDIX

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APPENDIX 1A

United States Court of Appeals

For The District of Columbia

No. 23-5081 SEPTEMBER TERM,2023
1:22-cv—00941-CJN

Filed On: March 11, 2024

Jean Dufort Baptichon

Appellant

v.

United States Department of Education and
WMU/Cooley Law School

Appellees

BEFORE: Srinivasan, Chief Judge, and Henderson, Millett, Pillard, Wilkins, Katsas. Rao, Walker, Childs, Pari, and Garcia, Circuit Judges

ORDER

Upon consideration of the petition for hearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition is denied.

Per Curiam

APPENDIX 1A

FOOR THE COURT
Mark J. Langer, Clerk
By: /s/
Daniel J Reidy
Deputy Clerk

APPENDIX 1B

United States Court of Appeals

For The District of Columbia

No. 23-5081 SEPTEMBER TERM,2023
1:22-cv—00941-CJN

Filed On: January 11, 2024

Jean Dufort Baptichon

Appellant

v.

United States Department of Education and
WMU/Cooley Law School

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COMLUMBIA

BEFORE: Henderson, Childs, and Pan, Circuit Judges

JUDGMENT

This appeal was considered on the record from United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P 34(a)(2); D.C. Cir. Rule 34(j). It is

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ORDERED AND ADJUDGED that the district court's order filled March 17,2023, be affirmed as to appellee Thomas M. Cooley Law School. The district court correctly dismissed appellant's claims against Cooley for lack of personal jurisdiction. See Erwin-Simpson v. Air-Asia Berhad, 935 F.3d 883, 888-89 (D.C. Cir. 2021). Appellant has failed to establish any contacts with the District of Columbia that would support the district court's exercise of jurisdiction over Cooley. See id. (constructing D.C. Code §13-334 and §13-422); D.C. Code § 13-423(a)-(b); Livnat v. Palestinian Auth., 851 F.3d 45, 57 (D.C. 2017) (holding that "[c]onclusory statements" do not satisfy the plaintiff's burden of showing pertinent jurisdictional facts to survive a motion to dismiss for lack of personal jurisdiction (quotation omitted)). The district court also did not abuse its discretion in failing to sua sponte transfer appellant's claims against Cooley. See Hill v. U.S. Air Force, 795 F.2d 1067, 1070-71 (D.C. Cir. 1986); 28 U.S.C. §1631.

Pursuant to D, C. Circuit Rule
36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. 888-89P. 41(b), D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT
Mark J. Langer, Clerk

By: /s/
Daniel J Reidy
Deputy Clerk

APPENDIX 1C

United States Court of Appeals

For The District of Columbia

No. 23-5081 SEPTEMBER TERM,2023
1:22-cv—00941-CJN

Filed On: December 28, 2023

Jean Dufort Baptichon

Appellant

v.

United States Department of Education and
WMU/Cooley Law School

Appellees

BEFORE: Henderson, Childs, and Pan, Circuit Judges

ORDER

Upon consideration of appellant's brief; the motion to dismiss and the motion for summary affirmation, the opposition thereto, and the reply, it is

ORDERED that the motion to dismiss filed by Thomas M. Cooley Law School be denied. Appellant's statement of issues is non-binding and does not limit the scope of the appeal. See United States v. Pogue, 19F.3d 663, 666 & n.2 (D.C. Cir. 1984); see also D.C.

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Circuit Handbook of Practice and internal Procedure 22 (2021). It is

FURTHER ORDERED that the court concludes, on its own motion, that oral argument will not assist the court in this case as to Thomas M. Cooley Law School. Accordingly, the court will dispose of the appeal, as to Coley without oral argument on the basis of the record and the presentation in appellant's brief. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

FURTHER ORDERED that the motion for summary affirmation filed by the United States Department of Education be granted. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court properly dismissed appellant's forgery claim against the Department of Education because the United States has not waived its sovereign immunity under the Federal Tort Claims Act for claims arising out of misrepresentation." 28 U.S.C. § 2880(h); Block v. Neal 480 U.S. 289, 293-97 (1983). The district Court also properly denied appellant's motion to amend his complaint because the proposed amendments would be futile. See Agular v. Drug Enf. Admin, 992 F.3d 1108,1113-14 (D.C. Cir.
2021)

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until resolution of the reminder of the appeal.

APPENDIX 1C

Per Curiam

FOR THE COURT
Mark J. Langer, Clerk

By: /s/
Laura M. Morgan
Deputy Clerk

APPENDIX 1D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Jean Dufort Baptichon Plaintif, v. U.S. DEPARTMENT OF EDUCATION, et al. Defendants	Civil Action No. 1 :22-cv-00941 (CJN)

ORDER

This matter is before the Court on Defendant Thomas M. Cooley Law School's Motion to Dismiss, ECF No. 4. Defendant Department of Education's Motion to Dismiss, ECF No. 14 and Plaintiff Jean Dufort Baptichon's Motion for Leave to File Amended Complaint. ECF No. 18. For the reasons stated in the accompanying Memorandum Opinion, it is

ORDERED that Defendant Thomas M. Cooley Law School's Motion to Dismiss is granted and that Plaintiff's Complaint against this Defendant is DISMISSED WITHOUT PREJUDICE> It is further

ORDERED that Defendant Department of Education's Motion to Dismiss is GRANTED and that Plaintiff's Complaint against this Defendant is DISMISSED WITH PREJUDICE> And it is further

APPENDIX 1D

ORDERED that Plaintiff's Motion for Leave to File Amended Complaint is DENIED. This is a final appealable order. This Clerk is directed to terminate the case.

Date: March 17, 2023 /s/_____
CARL J NICHOLS
United States District Judge

APPENDIX 1E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Jean Dufort Baptichon Plaintif, v. U.S. DEPARTMENT OF EDUCATION, et al. Defendants	Civil Action No. 1 :22-cv-00941 (CJN)

MEMORANDUM OPINION

Pro se Plaintiff Jean Dufort Baptichon, a former student at Western Michigan University Thomas M. Cooley Law School filed a complaint against Cooley and the U.S. Department of Education relating to his academic dismissal from Cooley and his federal student loan. After Cooley and the Department separately moved to dismiss. Baptichon moved for leave to file an amended complaint. See Cooley Mot. To dismiss, ECF No. 4 Dept. Mot. To dismiss, ECF No. 14. Pl.'s Mot. For Leave Am. Compl., ECF No.18. For the reasons explained below, the Court grants both Defendants' motions to dismiss and denies Baptichon's motion for leave to amend.

I. Background

As Baptichon states in his Complaint, the lawsuit is "a continuation of his long-standing litigation" concern-

ing Cooley's 2003 decision to dismiss him for academic deficiencies" and the collection of his student loan debt. Compl. ¶ 7, ECF No. 1. These events have now been the subject of several court opinions in other federal and state courts around the country. See Baptichon v. U.S. Dept. of Educ. No. 20-CV-2400, 2020 WL 6565126, at *1 (E.D.N.Y. Nov 9, 2020) (citing cases including a 2004 decision dismissing federal due process claims). Baptichon alleges here that Cooley miscalculated his GPA beginning in the January 2002 academic term. Compl. ¶ 25. Then in the May 2002 term, a professor allegedly lost one of Baptichon's exam answer books, causing his cumulative GPA to fall below the required 2.0 threshold. Id. ¶¶ 8–11. As a result, Baptichon was placed on academic probation. Id. ¶ 11. In September 2003, Cooley issued a grade report listing his cumulative GPA as 2.05 but revised the report three days later to state his cumulative GPA as 1.96. Id. ¶¶ 14–15, 25. Cooley then dismissed Baptichon due to his academic performance. See id.

Baptichon brings various claims against Cooley based on this dismissal—including fraud, libel, and denial of due process and equal protection under the Fourteenth Amendment—all stemming from the theory that Cooley miscalculated his GPA. Baptichon also alleges that Cooley and/or the Department forged his signature on a federal student loan application and promissory note, causing him to be wrongfully "harassed by multiple debt collection agencies." 1 Id. ¶ 30. In response, both Defendants have filed motions to dismiss. Cooley argues for dismissal because Baptichon's claims are barred by the applicable statutes of limitations and res judicata; venue is improper; the Court

lacks personal jurisdiction over it; and Baptichon has failed to state a claim upon which relief can be granted. The Department contends that Baptichon's Complaint should be dismissed because he failed to properly exhaust his administrative remedies and timely file his Complaint; the Department has not waived its sovereign immunity; and Baptichon failed to state a claim upon which relief can be granted. Baptichon, in turn, moves to amend his Complaint.

1 Baptichon also alleged that the signature was forged by American Student Assistance, an organization named as a defendant that was subsequently voluntarily dismissed from the lawsuit. Compl. ¶ 30; Notice of Voluntary Dismissal, ECF No. 15. Case 1:22-cv-00941-CJN Document 22 Filed 03/17/23 Page 2 of 10 3 II.

II. Legal Standards

The Defendants seek dismissal under Federal Rules of Civil Procedure 12(b)(1), (b)(2), (b)(3), and (b)(6). The Court focused on the jurisdictional issues raised by their Motions. Rule 12(b)(1) governs dismissal for lack of subject-matter jurisdiction. When "deciding whether to grant a motion to dismiss for lack of jurisdiction," the Court "may consider materials outside the pleadings." Jerome Stevens Pharms., Inc. v. FDA, 402 F.3d 1249, 1253 (D.C. Cir. 2005). Although the Court "accept[s] as true all the factual allegations contained in the complaint," those allegations "will bear closer scrutiny in resolving a 12(b)(1) motion than in resolving a 12(b)(6) motion for failure to state a claim." Wright v. Foreign Serv. Grievance Bd., 503 F. Supp. 2d 163, 170 (D.D.C.

2007) (quotations omitted). Pro se complaints are liberally construed, but "even a pro se plaintiff must meet his burden of proving that the Court has subject matter jurisdiction over the claims." Fontaine v. Bank of Am., N.A., 43 F. Supp. 3d 1, 3 (D.D.C. 2014).

Rule 12(b)(2) provides for dismissal based on lack of personal jurisdiction. A plaintiff must establish a factual basis for the Court to assert personal jurisdiction over a defendant. See Crane v. N.Y. Zoological Soc'y, 894 F.2d 454, 456 (D.C. Cir. 1990). And while plaintiffs may "satisfy that burden with a prima facie showing" at this stage, they must nevertheless "allege specific acts connecting the defendant with the forum." Mwani v. bin Laden, 417 F.3d 1, 7 (D.C. Cir. 2005) (quotation omitted); Second Amend. Found. v. U.S. Conf. of Mayors, 274 F.3d 521, 524 (D.C. Cir. 2001) (quotation and brackets omitted).

The Court grants leave to amend a complaint "when justice so requires." Fed. R. Civ. P. 15(a)(2). But "if the proposed amendment is futile," meaning that "it would not withstand a motion to dismiss," the Court will deny leave to amend. Singletary v. Howard Univ., 939 F.3d 287, 295 (D.C. Cir. 2019) (quotation and brackets omitted)

III. Analysis

A. Cooley's Motion to Dismiss

Cooley moves to dismiss for lack of personal jurisdiction, arguing that Baptichon has failed to meet his burden of showing either general or specific jurisdic-

tion. General jurisdiction "permits a court to assert jurisdiction over a defendant based on a forum connection unrelated to the underlying suit." Erwin-Simpson v. AirAsia Berhad, 985 F.3d 883, 889 (D.C. Cir. 2021) (quotation omitted). Specific jurisdiction "depends on an affiliation between the forum and the underlying controversy, principally, activity or an occurrence that takes place in the forum State and is therefore subject to the State's regulation." Id. at 888 (quotation and brackets omitted). The Court must generally assess whether either type of jurisdiction exists under D.C. law before analyzing "whether an exercise of jurisdiction would comport with constitutional limitations." See id.; Forras v. Rauf, 812 F.3d 1102, 1105–06 (D.C. Cir. 2016). Here, Cooley focuses its attention on the lack of a statutory basis for jurisdiction.

1. General Jurisdiction

Under D.C. Code § 13-422, a D.C. court "may exercise personal jurisdiction over a person domiciled in, organized under the laws of, or maintaining his or its principal place of business in, the District of Columbia as to any claim for relief." Baptichon acknowledges in his Complaint that Cooley is a citizen of Michigan, and it is undisputed that Cooley is "not domiciled in" or "organized under the laws of" the District of Columbia, and also that it "does not maintain its principal place of business in the District of Columbia"—making jurisdiction under D.C. Code § 13-422 unavailable. Compl. ¶ 3; Cooley Mem. in Support of Mot. to Dismiss ("Cooley Mem.") at 8, ECF No. 4-1.

Baptichon does not invoke any other statutory ba-

sis for general jurisdiction. Instead, he argues that Cooley has "engaged in continuous and systematic activity" in the District, such that exercising jurisdiction would accord with the constitutional requirement of due process. Pl.'s Opp'n to Cooley Mot. to Dismiss at 17, ECF No. 7; see, e.g., Erwin-Simpson, 985 F.3d at 889–90. The constitutionality of exercising general jurisdiction over a defendant does not, standing alone, provide an adequate basis to do so here. In any event, Baptichon does not offer any factual allegations to support his assertion that Cooley's affiliations in the District are continuous and systematic. For example, as Cooley points out, Baptichon does not allege that it "transacted business" or "contracted to supply services" in the District.

Cooley Mem. at 9. Rather, Baptichon claims that Cooley has certain connections with the American Bar Association and the Department, which operate in the District. See Pl.'s Opp'n to Cooley Mot. to Dismiss at 16 (stating that Cooley is "allegedly the largest American Bar Association Accredited Law School," that "the American Bar Association has its office in the forum state," and that Cooley was "acting as an agent" of the Department). But "merely maintaining professional relationships with persons and entities in the district is not sufficient to establish general jurisdiction." Ashhab-Jones v. Cherokee Nation Strategic Programs, LLC, No. 19-cv-00089, 2020 WL 6262090, at *4 (D.D.C. Oct. 23, 2020); Bigelow v. Garrett, 299 F. Supp. 3d 34, 43 (D.D.C. 2018).

2. Specific Jurisdiction

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For the Court to exercise specific personal jurisdiction over Cooley, as noted above, it "must first examine whether jurisdiction is applicable under the [District's] long-arm statute and then determine whether a finding of jurisdiction satisfies the constitutional requirements of due process." GTE New Media Servs. Inc. v. BellSouth Corp., 199 F.3d 1343, 1347 (D.C. Cir. 2000).

The District's long-arm statute provides in relevant part that a defendant's contacts with the District of Columbia can establish specific jurisdiction if the claim arises from the defendant's:

(1) transacting any business in the District of Columbia;

(2) contracting to supply services in the District of Columbia;

(3) causing tortious injury in the District of Columbia by an act or omission in the District of Columbia; [or]

(4) causing tortious injury in the District of Columbia by an act or omission outside the District of Columbia if he regularly does or solicits business, engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed, or services rendered, in the District of Columbia . . . . D.C. Code § 13-423(a).

Baptichon has not shown that the long-arm statute supplies a basis for specific jurisdiction.

First, he has not alleged that he suffered any tortious injury in the District of Columbia. See id. § 13-423(a)(3)–(4). While most of the events at issue in this lawsuit occurred in Michigan, where Cooley is located, Baptichon also alleges that the Department's "unlawful actions injured the Plaintiff in New York," where he currently resides. Compl. ¶ 5. But he does not allege that any injury occurred here.

Second, Baptichon has not shown that his claims arise out of Cooley's "transacting any business" or "contracting to supply services" in the District of Columbia. D.C. Code § 13-423(a)(1)–(2). Although the factual basis underlying his assertion of specific jurisdiction is somewhat unclear, he appears to rely on the relationship between the Department and Cooley in connection with his federal student loans. He argues that Cooley acted as an "agent" of the Department "when brokering [his] student loans," i.e., disbursing any surplus amount to him after receiving loan payments from the Department. Pl.'s Opp'n to Cooley Mot. to Dismiss at 16. But this allegation falls short of claiming that Cooley transacted business or contracted to supply services in the District in a manner that gave rise to Baptichon's claims within the meaning of D.C. Code § 13-423(a). Put simply, Baptichon has failed to "allege specific acts connecting the defendant with the forum." Second Amend. Found., 274 F.3d at 524 (quotation and brackets omitted).

B. Department of Education's Motion to Dismiss

The Department moves to dismiss on the ground

that the Federal Tort Claims Act (FTCA) does not waive sovereign immunity for "forgery" (Count V), the only claim asserted against it in the initial Complaint.2 "Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit." FDIC v. Meyer, 510 U.S. 471, 475 (1994). Although the FTCA grants federal courts jurisdiction to hear a set of tort claims against the federal government, the statute does not grant jurisdiction over "[a]ny claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights." 28 U.S.C. §§ 1346(b)(1), 2680(h). Here, the parties dispute whether Baptichon's "forgery" claim falls within the exception to the FTCA's waiver of sovereign immunity for any claim arising out of "misrepresentation."

The Court agrees with the Department that the misrepresentation exception applies. "[T]he essence of an action for misrepresentation, whether negligent or intentional, is the communication of misinformation on which the recipient relies." Block v. Neal, 460 U.S. 289, 296 (1983). Baptichon alleges that the Department (or Cooley) forged his signature on a federal student loan[2] application and promissory note, caus-

2 As this Court has noted previously, "there is some question whether the sovereign immunity of the United States presents a subject-matter jurisdiction question." Embrey v. United States, No. 21-cv-0235, 2022 WL 392312, at *3 (D.D.C. Feb. 9, 2022) (citing Mowrer v. U.S. Dep't of Transp., 14 F.4th 723 (D.C. Cir. 2021)). The Court will continue to analyze "the lack of a clear waiver of federal sovereign immunity as a jurisdictional defect" under Rule 12(b)(1). Id. (emphasis omitted).

ing "multiple debt collection agencies and the credit bureau" to rely on the defective application to Baptichon's detriment. Compl. ¶ 30. Because his alleged injury is based on "the communication of misinformation" on which others relied, his action "aris[es] out" of the Department's alleged misrepresentation. Block, 460 U.S. at 296; 28 U.S.C. § 2680(h).

Baptichon disputes that his forgery claim involves misrepresentation, but forgery is "not in and of itself a civil cause of action" under District of Columbia law. Nwaoha v. Onyeoziri, No. 04-1799, 2006 WL 3361540, at *4 (D.D.C. Nov. 20, 2006); see McCrea v. D.C., No. 16-cv-0808, 2021 WL 1209219, at *14 (D.D.C. March 31, 2021). Instead, it is "a criminal offense which may, in some instances, include[] commission of other civil torts," like "conversion or fraud." Nwaoha, 2006 WL 3361540, at *4. If Baptichon's claim were construed so as not to include an allegation of fraud or misrepresentation—despite his concession that "forgeries are a species of fraud"—he would have failed to state a claim, which would also warrant dismissal.3 Pl.'s Opp'n to Dep't Mot. to Dismiss at 2, ECF No. 16; see also id. at 2–3, 8 (invoking "modern statutes" which make forgery a felony).

B. Baptichon's Motion for Leave to Amend the Complaint

Baptichon proposes to amend his Complaint by adding three claims against the Department for "collection harassments," abuse of process, and negligent supervision. Because none of these claims would survive a motion to dismiss by the Department, the

amendment would be futile.

3 The Court declines Baptichon's request to construe this "forgery" count as a Bivens claim. Pl.'s Opp'n to Dep't Mot. to Dismiss at 12–13. It is "the duty of the lower federal courts to stop insubstantial Bivens actions in their tracks and get rid of them," Simpkins v. D.C. Gov't, 108 F.3d 366, 370 (D.C. Cir. 1997), and here Baptichon does not seek to hold any federal official personally liable for being "personally and directly involved" in any unconstitutional conduct related to his forgery allegations. Taylor v. Dir. of Bureau of Prisons, No. 09 0859, 2009 WL 1322281, at *1 (D.D.C. May 8, 2009).

First, Baptichon's "collection harassments" claim—which the Court, like the Department, construes as attempting to state a cause of action under the Fair Debt Collection Practices Act (FDCPA)—would fail because the federal government has not waived its sovereign immunity as to its efforts to collect on a debt. See Dep't Opp'n to Pl.'s Mot. to Am. Compl. at 5, ECF No. 20; Wagstaff v. U.S. Dep't of Educ., 509 F.3d 661, 664 (5th Cir. 2007). The FDCPA also excludes "any officer or employee of the United States or any State to the extent that collecting or attempting to collect any debt is in the performance of his official duties" from the definition of "debt collector," making the statute's prohibition on harassing debt collection efforts inapplicable. 15 U.S.C. §§ 1692a(6)(C), 1692d.

Second, the Department would have sovereign immunity against Baptichon's claim for abuse of process, because that intentional tort is excepted from the FT-

CA's sovereign-immunity waiver. 28 U.S.C. § 2680(h).

Third, Baptichon's negligent supervision claim would be dismissed because Baptichon did not present the claim to the Department within two years of its accrual. See 28 U.S.C. § 2401(b). Like Baptichon's forgery claim, his proposed negligent supervision claim is based on the alleged forgery of his signature on a federal loan application and promissory note. Am. Compl. ¶ 35, ECF No. 18-1 (alleging that the Department "failed to supervise its agents" who manage the Federal Family Education Loan Program). Baptichon argues that his November 20, 2020 submission to the Department (a Standard Form 95) fell within the two-year period because "he first discovered . . . the wrongful act on January 1, 2020," when "the defendant Federal agency presented the forged Federal Family Educational Loan document, i.e., the 'Promissory Note' to the Plaintiff for the first time." Pl.'s Opp'n to Dep't Mot. to Dismiss at 3, 9–10. That assertion is contradicted by the loan discharge application that Baptichon submitted in August 2018, in which he attested that his name was signed without authorization on the promissory note.[3] Def's Ex. 2 (Loan Discharge Application), ECF No. 17-2; see Webster v. Spencer, No. 17-cv-1472, 2020 WL 2104231, at *5 (D.D.C. May 1, 2020) (holding that a court may consider administrative records when ruling on a 12(b)(6) motion "for assessing exhaustion and timeliness attacks, particularly when . . . neither side disputes

3 It is also in tension with Baptichon's argument in his response to Cooley's Motion to Dismiss, in which he states that "Defendant DOE presented said Promissory Note to the Plaintiff for payment on or about October 2014." Pl.'s Opp'n to Cooley Mot. to Dismiss at 8.

their authenticity"); see also Am. Compl. ¶ 33 (incorporating August 15, 2018 Loan Discharge Application by reference). Because Baptichon discovered by August 2018 at the latest that the promissory note was (as he says) signed in his name without authorization, he did not submit notice of his claim to the Department within the two-year window as required.

IV. Conclusion

For these reasons, Baptichon's claims against Cooley are dismissed without prejudice for lack of personal jurisdiction, and his action against the Department is dismissed with prejudice for lack of subject-matter jurisdiction. Baptichon's motion for leave to file an amended complaint is denied. An order will issue contemporaneously with this opinion.

Date: March 17, 2023 /s/_____
CARL J NICHOLS
United States District Judge

APPENDIX 1F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Jean Dufort Baptichon Plaintif, v. U.S. DEPARTMENT OF EDUCATION, et al. Defendants	MEMORANDUM & ORDER 20-CV-2400 (PKC)

PAMELA K. CHEN, United States District Judge:

Plaintiff filed this pro se Complaint on May 26, 2020, seeking damages against the United States Department of Education (Complain ("Compl."), (Dkt. 1,) at ECF[4] 1.) on August 21, 2020. Plaintiff requested to proceed in forma pauperis ("IFP"). DKT. 13. For the reasons discussed below, Plaintiff's request to proceed IFP is granted solely for the purpose of showing cause within forty-five (45) days that the Court has subject matter jurisdiction over this action.

BACKGROUND

Plaintiff pro se's Complaint is a continuation of his longstanding litigation concerning the Thomas M.

4 Citations to "ECF" refer to the pagination generated by the Court's CM/ECF docketing system and not the document's internal pagination.

APPENDIX 1F

Cooley Law School's (the law school) 2003 decision to dismiss Plaintiff for academic deficiencies, and the collection of Plaintiff's student loan in connection with his attendance there. Plaintiff brings this case after two prior unsuccessful actions in federal court. See Order and Judgment Approving Report and Recommendation, Baptichon v. Thomas M. Cooley Law Sch. (W.D. Mich. May 3, 2004) (No. 03-CV-176 (RAE) (ESC)), ECF No. 27 (dismissing Plaintiff's federal due process claims and remanding state claims to Michigan state court); Baptichon v. Thomas M. Cooley Law Sch. N0. 09-CV-562 (JTN (ESC) 2009 WL 5214911, at *1 (W.D. Mich. Dec. 28, 2009) (entering judgment in Defendants' favor). In this action, Plaintiff again disputes his $210,663.33 in student loan debt and brings the following claims against the Department of Education, pursuant to Federal Tort Claim Act ("FTCA"), 28 U.S.C. §§1346(b), 2671, et seq.: (1) forgery, (2) promissory equitable estoppel, (3) unlawful collection actions, and (4) unlawful withholding in violation of due process. (Compl., Dkt. 1. At 8-14).

STANDARD OF REVIEW

A district court shall dismiss an IFP action where it is satisfied the action is "(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 18 U.S.C. §1915€(2)(B). In reviewing Plaintiff's Complaint, the Court is mindful "that the submission of a pro se litigant must be construed liberally and interpreted "to raise the strongest arguments that they suggest." Triestman v. Fed Bureau of Prison, 470 F.3d 471, 474 (2d Cir. 2006) (em-

phasis and additional citations omitted) (quoting Pabon v. Wright, 459 F.3d 241,248 (2d. Cir. 2006)).

"Notwithstanding the liberal pleading standard afforded pro se litigants, federal courts are courts of limited jurisdiction and may not preside over cases if the subject matter jurisdiction is lacking." Koso v. McCulloh, No. 18-CV-7415 (JMA) (AYS) 2019 WL 1748606, at *2 (E.D.N.Y. Apr. 18, 2019) (citing Lyndonville Sav. Bank & Tr. Co v. Lussier, 211 F.3d 697, 700-01 (2d. Cir. 2000)) Because it involves a court's power to hear a case."" Subject matter jurisdiction cannot be forfeited, waived, or conferred by consent of the parties." Platinum-Montaur Life Scis, LLC v. Navidea Biopharmaceuticals, Inc. 943 F.3d 613, 617 (2d Cir 2019) (citing United States v. Cotton, 535 U.S. 625, 630 (2002); Cable Television Ass'n of N.Y. v. Finneran, 954 F.2d 91,94 (2d Cir.1992)). Federal cours "have an independent obligation to determine whether subject matter jurisdiction exists, even in the absence of challenge from any party." Nguyen v. FXCM Inc. 364 F. Supp. 3d 227, 237 (S.D.N.Y 2019) (quoting Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006)) Where jurisdiction is lacking.... Dismissal is mandatory." Yong Qin Luo v. Mikel, 625 F.3d 772,775 (2d Cir. 2010) (quoting United Food & Co. Workers Union Loc. 919 v. Center Mark Props Meridien Square Inc., 30 F.3d 298, 301 (2d Cir. 1994)). Federal jurisdiction is available where a federal question" is presented, 28 U.S.C. §1331, or where the plaintiff and the defendant are of diverse citizenship and the amount in controversy exceeds $75,00. 28 U.S.C. §1332.

APPENDIX 1F
DISCUSSION

Plaintiff files this action against the Department of Education, a federal agency, pursuant to the FTCA, (Compl., Dkt 1, at 2.) Absent a waiver, sovereign immunity shields the Federal Government and its agencies from suit." Binder & Binder, P.C. v. Colvin, 818 F.3d 66, 70 (2d Cir. 2016) (quoting FDIC v. Meyer. 510 U.S. 471,475 (1994)). In fact, the waiver of sovereign immunity is a prerequisite to subject matter jurisdiction." Fangfang Xu v. Cissna, 434 F. Supp. 3d 43, 57 (S.D.N.Y. 2020) quoting Presidential Gardens Assocs. v. U.S. ex rel. Sec'y of Hous. & Urban Dev., 175 F.3d 132, 139 (2d Cir. 1999). "[Waivers of sovereign immunity must be unequivocally expressed' in statutory text and cannot simply be implied." Adeleke v. United States, 355 F.3d 144, 150 (2d Cir. 2004) (quoting United States v. Nordic Vill., 503 U.S. 30, 33 (1992).

> *[T]he FTCA authorizes suit against the federal government to recover damages: for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.*

Mathias v. United States____ F. Supp. 3d____, 2020 WL 4381761, at *5 E.D.N.Y. 2020) quoting 28 U.S.C. §1346 (b)(1)). "Although the FTCA provides a limited waiver of the United States sovereign im-

munity for certain tortious conduct, it also requires "that the claimant exhaust his administrative remedies before filing an action in federal court. Shabtai v. U.S. Dep't of Educ. No. 02-CV-8437 (LAP), 2003 WL 21983025 at &6 (S.D.N.Y Aug. 2003) (quoting 28 U.S.C. §2675(a))). This requirement is jurisdictional and cannot be waived." Celestine v. Mr. Vernon Neighborhood Health Ctr. 403 F.3d 76, 82 (2d Cir. 2005), and applies equally to litigants with counsel and to those proceeding pro se," Davila v. Gutierrez, 330 F.3d 925,926 (S.D.N.Y. 2018))= (quoting Adeleke, 355 F.3d at 153), aff'd 791 F. App x 211 (2d Cir. 2019). The party asserting this court's jurisdiction has the burden to both plead and prove compliance with the statutory [exhaustion] requirements.'" Collins v. U.S. Postal Serv., ..._F. Supp. 3d. ____2020 WL 2734362, at *4 (E.D.N.Y.2020) (quoting In re agent Orange Prod. Liab. Litig., 818 F.2d 210,214 (2d Cir. 1987)).

Exhaustion is satisfied only when the claimant, within two years of the claim accruing brought the "claim to the appropriate Federal agency and that agency either made a final denial of the claim or failed to make a disposition on the claim within six months after it was filed." Liriano v. ICE/DHS, 827 F. Supp. 2d 264, 269 (S.D.N.Y. 2011) (citing 28 U.S.C. §2675(a)); see also Torres v. United States, 612 F. App'x 37, 39 (2d Cir.2015) (summary order (As a precondition for suit under FTCA, an administrative claim must be filed with the responsible federal agency within two years of a plaintiff's alleged injury."). Moreover, the FT CA "require[es] commencement of any tort claim against the United States within six months of the agency's final denial." Sanon v. Dep't of Higher Educ., 435 F

App'x 28,30 (2d Cir. 2011) (summary order) (quoting 28 U.S.C. §2401(b))). Here, Plaintiff's Complaint does not allege that Plaintiff filed an administrative claim with the Department of Education for each of his claim, that such claim was brought within two years after it accrued. Or that such claim was either denied or six months have elapsed since the claim was submitted. Nor does the Complaint establish that, if administrative remedies were exhausted by way of the agency's final denial of Plaintiff's claim this action was commenced no more than six months after the final denial. It appears from attachments to the Complaint that Plaintiff may have at least partially exhausted the administrative remedies required to assert some of his claims against the Department of Education. (See Letters from the Department of Education dated September 6, 2018, October 2, 2018, December 20, 2018, and January 31, 2019. Dkt. 1, at ECF 37-46; Letters from Plaintiff to the Department of Education dated September 13,2018 and October 15, 2018, Dkt. 1, at ECF 67-71.) Because it is Plaintiff's duty to plead exhaustion and establish this Court's subject matter jurisdiction, Plaintiff is ordered to demonstrate that his claims are timely and establish which, if any, of his FTCA claims have been exhausted with the appropriate agency. See Shabtai, 2003 WL 21983025, at *6 (dismissing FTCA claim for the pro se plaintiff's failure to allege administrative exhaustion (citing Orange Prod. Liab. Litig., 818 F.2d at 214)).

CONCLUSION

For the reasons discussed above, Plaintiff shall within forty-five days show cause why this Court has

subject matter jurisdiction pursuant to the FTCA and demonstrate that his claims are timely. Plaintiff shall provide the date on which he believes each claim accrued, the date on which he filed for administrative relief as to each claim, the name of the federal agency with which he filled the claims, and the agency's final decision on each claim. *Plaintiff must attach a copy of his administrative tort claim(s) and a copy of the federal agency with which he filed the claims and a copy of the federal agency's final decision(s). If Plaintiff fails to comply with this Order or show good cause why he cannot comply within the time allowed, the action will be dismissed without prejudice for lack of subject matter jurisdiction. All further proceedings including Plaintiff's motion for preliminary injunction (Dkt. 4), shall be stayed for forty-five (45) days for Plaintiff to comply with this Order. Plaintiff's application for pro bono counsel (Dkt. 2) is denied without prejudice. The Court certifies pursuant to 28 U.S.C. §1915(a)(3)* that any appeal from this order would not be taken in good faith and therefore IFP status is denied for purposes of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

SO ORDERED

/s/ Pamela K. Chen
United States
District Judge

Dated: September 8, 2020
Brooklyn, New York

APPENDIX 1G

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Jean Dufort Baptichon

Plaintif,

Case No. 1:18-cv-550
Hon. Paul L. Maloney

v.

STATE OF MICHIGAN, THOMAS M. COOLEY LAW SCHOOL, CHASE STUDENT LOAN SERVICING, LLC., THE DEPARTMENT OF EDUCATION, and UNKNOWN PARTIES

Defendants

ORDER DENYING IN FORMA P AUPERIS STATUS

Plaintiff filed this pro se action in the United States District Court for the Eastern District of New York, seeking damages in excess of $20,999,999.00. The Court characterized plaintiff's complaint as a continuation of his longstanding dispute with Thomas M. Cooley Law School ("Cooley") arising from Cooley's decision to dismiss plaintiff for academic deficiencies in 2003. Plaintiff filed two lawsuits in the Western District of Michigan involving his dismissal: Jean Dufort Baptichon v. Thomas M. Cooley Law School, 5:03-cv-176 (W.D. Mich. ("Baptichon I"); and Jean Dufort Batichon v. Thomas M. Cooley Law School et al., 1:09-cv-562

(W.D. Mich.) ("Baptichon II").[5] The Court further noted that while plaintiff was a resident of Freeport, New York, none of the defendants were located in New York, with defendant State of Michigan and Cooley being located in Michigan, defendant Chase Student Loan Servicing LLC being located in Mississippi, and defendant Department of Education being located in Washington, D.C. Given plaintiff's litigation history and the location of defendants, the court concluded that venue was not proper in the Eastern District Court of New York and transferred the case to the Western District of Michigan. See Transfer Order (ECF No. 5).

The matter is now before this Court on plaintiff's application and amended application to proceed in forma pauperis ("IFP") (ECF No. 2 and 11). On May 7, 2018, the magistrate judge entered a deficiency order because plaintiff's original application to proceed IFP did not contain sufficient detail of his financial condition, including plaintiff's household income, assets, and financial obligations. See Order ECF No.9). The Court provided plaintiff with a copy of this Court' Application for proceed in district court without prepaying fees or costs (long form) (AO 239).

Plaintiff filed an amended application ECF N. 11), which rendered his original application moot. The

5 In Baptichon I, this Court dismissed plaintiff's federal due process claims and remanded his state law claims to the Ingham County Circuit Court. See Baptichon I (Order and Judgment, May3, 2004) ECF No 27).. In Baptichon II, this Court observed that plaintiff's case was a "continuation of Plaintiff's long-standing battle with Cooley Law School concerning their decision to dismiss Plaintiff for academic deficiencies" sud dismissed all claims. See Baptichon II, 2009 WL 5214911 at *1 (W.D. Mich.) (Dec. 28,2009.

amended application included a 77 -page exhibit containing plaintiff's 2017 joint income tax returns (ECF No. 11-1). In his amended application, plaintiff stated that during the past 12 months he earned an average of $331.00 per month from self-employment as an independent law clerk," and expected to earn $561 next month. (Page ID .144-145). However, plaintiff objected to providing any information with respect to his spouse and referred the Court to his voluminous income tax returns (Page ID.202). The tax returns indicate that plaintiff's spouse earned $70,000.00 in 2017, but that plaintiff and his spouse reported a negative adjusted gross income due to reported capital loss of $3,000 .00 and reported loss on royalties and rents of84,745.00 (Page ID.151,214,223) ECF No. 11-1). The tax returns also reflect that plaintiff, and his spouse received a federal income tax refund of $7230.00 (Page ID. 150) and a state income tax return of #3,654.00 (Page ID.207).

Plaintiff amended application also failed to provide itemized monthly expenses referring the Court to his income tax returns (Page ID. 147-148). Plaintiff also objected to questions regarding his spouse's financial condition (Page ID 144-148. Plaintiff stated that he had $372.70 in a saving account and $59.10 in a checking account but objected to providing any information about his wife's bank account. (Page ID 145) while plaintiff stated he owns a 2003 Infiniti worth $5,000.00 and a Porsche worth $10,000.00. (Page ID. 146) he did not disclose the value of his home or other real estate on the amended application, once again, referring the Court to his income tax returns (Page ID. 146) Based on these returns, it appears that plaintiff owns real estate located at 66 Laurel Avenue, Hempstead, New York

and 188 N Long Beach Avenue, Freeport, New York (Page ID. 182, 184, 223). Plaintiff also declared under penalty of perjury that the United States of America owes him $20 Billion" Page ID. 146).

Plaintiff is not entitled to proceed as an indigent in this Court. First, plaintiff did not complete the amended application, having refused to provide requested information regarding both himself and his spouse. "Federal Courts, which are charged with evaluating IFP application, have consistently considered not only an IFP applicant's personal income but also his or her other financial resource, including the resources that could be made available from the applicant's spouse, or other family members." Helland v. St Mary's Duluth Clinic Health System, No CIV. 10-31 RHK/RLE., 2010 WL 502781 at *1(D.Minn. Feb. 5, 2010. The income of the party's spouse is particularly relevant and failure to disclose a spouse's income may result in denial of IFP status Behmlander v. Commissioner of Social Security; No 12-cv- 14424, 2012 WL 5457466 at *2 (E.D. Mich. Oct. 16, 2012). R & R adopted 2012 WL 5457383 (Nov 8, 2012). See Onischuk v. Johnson Control Inc., 182 Fed. Appx. 532 (7th Cir. 2006) (affirming district court's denial of plaintiff's application to proceed in forma pauperis because he did not provide financial information about his wife.

Second, plaintiff has sufficient resources to pay the filing fee. "The federal in forma pauperis statute, enacted in 1892 and presently codified as 28 U.S.C. § 1915, is designed to ensure that indigent litigants have meaningful access to the federal courts." Neitzke v. Williams, 490 U.S. 319, 324, (1980)). Plaintiff is

not an indigent. While Plaintiff reported negative income adjusted gross income on his federal income tax return, he and his wife earned over $70,000.00 in the past year and received income tax refunds exceeding $10,000.00Plaintiff's assets include two houses and two vehicles (including a Porsche. Finally, plaintiff declared under penalty of perjury that the United States of America owes him $20 billion.

Accordingly, plaintiff's application and amended application for leave to proceed IFP (ECF No. 2 and 11) are DENIED. Plaintiff must submit the $400.00 filing fee within 28 days of the date of this order, or this action will be dismissed.

IT IS SO ORDERED

Date: July 9, 2018

/s/ Paul Maloney

Paul L. Maloney
United States
District Judge

APPENDIX 1H

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Jean Dufort Baptichon

Plaintif,

Case No. 1:09-cv-562
Hon. Janet T. Neff

v.

THOMAS M. COOLEY LAW SCHOOL, et al.

Defendants

JUDGMENT

JUDGMENT is entered in favor of Defendants and against Plaintiff.

Dated: December 28, 2009

/s/ Janet T Neff

JANET T. NEFF
United States
District Judge

APPENDIX 1 I

STATE OF MICHIGAN
IN THE INGHAM COUNTY CIRCUIT COURT
GENERAL TRIAL DIVISION

JEAN DUFORT BAPTICHON
Plaintiff, File No. 03-1784-CZ
v Hon. Paula J.M. Manderfield

THOMAS M. COOLEY LAW SCHOOL
Defendant

ORDER DENYING PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT AND GRANTING DEFENDANT'S MOTION FOR SANCTION AND TO DISPENSE WITH ORAL ARGUMENT

AT A SESSION OF SAID Court held on the 18th Day of December 2009, in the City of Lansing, County of Ingham, State of Michigan.

PRESENT: HONORABLE PAULA J.M. MANDERFIELD

This matter is before the Court on Plaintiff's Motion for Relief from Judgment pursuant to MCR 2.612(C)(1)(c). Plaintiff seeks reversal of this Court's November 2, 2004 Opinion and Order granting summary disposition in Defendant's favor, based on Defendant's alleged fraud on the Court. In response to this Motion, Defendant has filed a Motion for Sanctions and to Dispense with Oral Argument. The Court has reviewed

the parties' motions and, pursuant to MCR 2.119(E)(3), the Court exercises its discretion to dispense with oral argument and decides this motion based on the parties' written submission.

The order that Plaintiff seeks to have this Court reverse was entered more than five years prior to the time Plaintiff filed his motion. MCR 2.612(C)(2), however, provides that a motion based on the grounds set forth in MCR 2.612(C)(1)(a), (b), or (c) must be filed both "within a reasonable time," and within one year after the judgment or order was entered or taken. Accordingly, Plaintiff's motion is untimely and the Court lacks jurisdiction to consider it.

Moreover, even a quick review of the record in this case reveals that Plaintiff motion is devoid of evidence to support it and entirely without merit. Plaintiff asserts that various individuals connected with Defendant engaged in a conspiracy to ensure that predetermine grades were given to Plaintiff in order to prevent him from raising his cumulative grade point average to 2.0, so that Defendant would be justified in dismissing Plaintiff. Plaintiff has not presented even a shred of evidence, however, to support his outlandish claim. Plaintiff further argues that injunction entered by the Court in October 2003, prevented the Defendant from dismissing Plaintiff on academic grounds at the end of that semester, even, even if Plaintiff's grades were insufficient to raise his cumulative grade point average to 2.0. The transcript of the show cause hearing, however, clearly indicates that no such bar was created. Rather, the transcript confirms that if Plaintiff failed to raise his cumulative grade point average to 2.0 by

the end of the term concluding in December 2003, then Defendant had the authority to dismiss Plaintiff[6].

MCR 2.114(D) provides that the signature of a party or attorney on a motion or other pleading signifies that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the document is well grounded in fact and is warranted by existing law or a good-faith for the extension, modification, or reversal of existing law, and that the document is not interposed for any improper purpose, MCR 2.114(D), the Court shall impose an appropriate sanction, including reasonable expenses. Moreover, MCR 2.625(A)(2) provides that in an action filed on or after October 1, 1986, if the court finds that an action or defense is frivolous, costs shall be awarded as provided by MCL 600.2591. MCL 600.2591(3)(a) that an action or defense is frivolous when at least one of the following conditions is met:

1. The primary purpose in initiating the action or asserting the defense was to harass, embarrass or injure the prevailing party.

2. There was no reasonable basis to believe the underlying facts were true; or

3. Their position was devoid of arguable legal merit.

Plaintiff's motion fails within the second and third

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6 Transcript of Show cause hearing, attached to Defendant's motion as Exhibit 5. Pp 41-42

of these conditions, at the very least. Accordingly, pursuant to MCR 2.114 and 2.625, and MCL: 600.2591, Defendant is entitled to costs and expenses.

Based on the above, the Court enters the following Orders:

ORDER

IT IS HEREBY ORDERED that Plaintiff's Motion for Relief from Judgment is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Sanctions and to Dispense with Oral Argument is GRANTED, Plaintiff is ordered to pay Defendant's fees and costs incurred in connection with defending Plaintiff's motion.

IT IS FURTHER ORDERED that the Clerk's Office shall not accept any further pleadings attempted to be filed on Plaintiff's behalf without leave of the Court.

This decision resolves the last pending claim and closes the case.

/s/ Paula J.M. Manderfield

Hon. Paula J.M. Manderfield.
Circuit Court Judge

APPENDIX 1J

ORDER

For reasons more fully discussed above

IT IS HEREBY ORDERED that Defendant's Motion for Summary Disposition is GRANTED pursuant to M.C.R 2.116(C)(10) and Plaintiff's Complaint is DISMISSED with prejudice.

Pursuant to MCR 2.602(3), this Opinion and Order resolves the last pending claim in this matter and closes the case.

Dated: November 2nd, 2004

/s/ Paula J.M. Manderfield

Hon. Paula J.M. Manderfield.
Circuit Court Judge

APPENDIX 1K

IN THE UNITED STATES SUPREME COURT

Mr. Dufort J. Baptichon, Plaintiff, vs. The Secretary of the U. S. Department of Education, WMU/Cooley Law School, et al. Defendant(s)	Case No.: 22-0941 (CJN) **PLAINTIFFS' MOTION FOR LEAVE TO FILE BILL OF COMPLAINT** Pursuant to Rule

Plaintiff hereby moves this Court for leave to file the annexed Bill of Complaint pursuant to Supreme Court Rule 17.3. For the reasons to add additional claims as set forth in the accompanying Bill of Complaint, Plaintiffs respectfully request that this Court grant it leave to file the Bill of Complaint because it will clarify the dispute between the parties and will not cause any prejudice.

Respectfully submitted,

/S/ Dufort J Baptichon
Dufort J Baptichon
Plaintiff Pro se

APPENDIX 1L
IN THE UNITED STATES SUPREME COURT

Mr. Dufort J. Baptichon, Plaintiff, vs. The Secretary of the U. S. Department of Education, WMU/Cooley Law School, et al. Defendant(s)	Docket No.: **VERIFIED BILL OF COMPLAINT** Plaintiff's Residence: 188 N Long Beach Avenue Freeport, New York 11520 718-751-5488

Plaintiff pro se, Jean Dufort Baptichon, (hereinafter referred to as the plaintiff), on his own behalf, for his claim states as follows:

1. The plaintiff is a citizen of New York who resides in the County of Nassau, State of New York.

2. The defendant United States Department of Education (hereinafter referred to as the defendant DOE) is a citizen of the District of Columbia.

3. The defendant WMU Cooley Law School (hereinafter referred to as the defendant law school) is an educational institution affiliated with Western Michigan University, and a citizen of the Western District of Michigan.

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JURISDICTION

4. This Court has original and exclusive jurisdiction under Article III of the Constitution of the United States to hear this case, and personal jurisdiction over all parties in this action.

PRELIMINARY BACKGROUND

5. By way of background, the plaintiff's Complaint" is a continuation of his long standing litigation concerning the defendant law school's 2003 decision to dismiss the plaintiff for alleged "academic deficiencies" (see the plaintiff's miscalculated Official Transcript from the defendant law school in the lower courts records as Exhibit 1), and the collection of the plaintiff's alleged "student loan in connection with a "forged promissory note," which signature thereon was fraudulently signed by either defendant DOE, defendant law school, who allegedly implied that said promissory note was signed by the plaintiff while in attendance at the defendant law school or following plaintiff's dismissal therefrom, by referring such alleged student's debt to multiple debt collection agencies.(See forged promissory note in the lower courts records annexed thereto as exhibit 2).

6. A defendant law school's professor or agent, who taught the Professional Responsibility (PR) class therein, had caused the loss of one of the plaintiff's two Professional Responsibility blue books exam answers in the May 2002 Term, leaving one of the plaintiff student's answer book uncorrected for that term.

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7. Following such incident caused by that professor, the plaintiff then student reasonably informed the dean of the defendant law school of the incident in a writing, which was accompanied by an another law student eyewitness' notarized statement under oath that she (the student eyewitness, whose name is Elizabeth Moore) was present when the plaintiff returned his two PR exam blue books to the law school's custodian located in the basement of the defendant law school, requesting for the search of the uncorrected blue answer book or the opportunity to retake that PR exam that term, and

8. The law school's dean denied the plaintiff's request and did not let him retake the exam for that term.

9. As a result of this academic incident, the plaintiff's GPA dropped below the required 2.0, and the plaintiff was placed on academic probation for that May 02 Term.

10. Again, for Term of September 02, the defendant law school miscalculated the plaintiff's Term and Cum GPA.

11. In addition, for Term of May 03, the defendant re-miscalculated the plaintiff's Term and Cum GPA.

12. However, in the following Trinity Term of September 26, 2003, the plaintiff's GPA rose to 3.0 putting him on the Dean's list for that term, (see Dean's List Letter in the lower courts records annexed thereto as Exhibit 3), giving him a cumulative summary grade

of 2.05, removing him from the academic probation to graduation, (see Exhibit 3A and compare to exhibit 3B, as annexed to lower courts records).

13. Ironically, on September 29, 2003, while the law school dean did not allow the plaintiff to retake the prior term PR exam after having lost plaintiff's law exam answer bluebook and therefore failed to correct one of plaintiff's two blue books exam answers, the defendant law school prepared a revised grade report to reduce the plaintiff's cumulative summary grade to 1.96 in order to academically dismiss the plaintiff in retaliation, (see Exhibit 3B and compare to exhibit 3A), because of the lawsuit by way of a temporary restraining order, and a preliminary injunction, as well as a complaint that the plaintiff then a student had filed against the defendant law school in the Michigan State Court.

14. In summary, when the defendant school is not losing its students' Blue Books exams answers, the defendant school is miscalculating its students' Grade Point Averages (GPAs), (see Exhibits 3A and 3B). The defendant law school's recklessness or willful negligence does not stop there because when its professors, employees or agents are not losing exam answer books, or miscalculating GPAs, they are making errors in students' tax documents and blaming their errors on computer calculation errors, as if the computer is the one that input the data in its base, (see lower courts records Exhibit 4 annexed thereto). Further, when the defendant law school is not doing all the wrong and unlawful actions above- mentioned, its representative counsel is soliciting, plotting and

planting the conspiratorial idea in his client's mind to retaliate against the plaintiff then a student litigant in a court hearing before a judge by asking the judge "if the plaintiff student does not make the required GPA of 2.0 in the final exams, can the defendant law school then dismiss the plaintiff student," (see preliminary injunction hearing in The State Court, which is clearly suggestive (See preliminary injunction hearing Transcript, in the Ingham County Circuit Court in Baptichon v. Thomas M. Cooley Law School File No.: 03-1784-CZ). These facts are not devoid of legal merits in this case as the proponents of the defendant law school would want to make the courts believe.

15. The lawyer who represented the plaintiff then a student at the defendant law school in his case at the Ingham County Circuit Court was a graduate of the defendant law school and the lawyer who represented the defendant law school was not a graduate from the defendant law school.

16. Upon argument before a Michigan State Court Judge, a preliminary injunction against the defendant law school was granted and that court ordered the defendant law school to reinstate the then student plaintiff and not to dismiss the student plaintiff from the defendant law school poor academic performance.

17. Then at the request of the defendant law school's lawyer who asked the judge: "what if the student plaintiff does not make the required 2.0 GPA in the final law school exam, can the law school dismiss him then? (Preliminary injunction hearing transcript in the Ingham County Circuit Court will be available

upon discovery),

18. The judge replied that the defendant law school could not dismiss the student plaintiff unless and until the defendant law school obtained an order from the court!

19. The next day following that court order the student plaintiff went to class every day on time, always ready and participated in all class discussions only to be ironized and ridiculed by two specific law professors, one of whom teaches remedies and the other teaches evidence classes.

20. The plaintiff, then student, reported these critical incidents to his defendant law school's graduate lawyer advising him to inform that court but nothing was done to his knowledge and belief. As foreseen, based on those two professors in class threats to the plaintiff student, each one of them assigned a c- minus to the plaintiff student in their final exams calculated just enough to keep the plaintiff student below the required 2.0 GPA.

THE NATURE OF PLAINTIFF'S CLAIM

21. The defendant wrongfully academically dismissed the plaintiff from the defendant's law school. The plaintiff was eligible to continue the defendant law school's program and in fact had legally completed the defendant law school's program, as well as the legal clerkship required by the New York State Appellate Division and the New York State Board of Law Examiners, which qualifies the plaintiff to seat for

the New York State Bar. (Evidence available from the lower courts' records). Hence, the plaintiff is seeking an injunction ordering the defendant law school to issue the plaintiff his diploma as he requested and to pay any and all student loans taken on plaintiff student's behalf from Defendant DOE and an injunction ordering the DOE to cease and desist her unlawful collection attempts and her violation of plaintiff' due process rights and to acquit such debt for the reasons stated herein, and compensate the plaintiff for all damages caused by the defendants' wrongful and unlawful actions from January 2002 Term to date, because the plaintiff student did not contract for such willful actions on the parts of defendants..

THE MATHEMATICAL FACTS OF THE PLAINTIFF'S CASE

22. The defendant law school committed fraud in obtaining its judgments against the plaintiff student in the Ingham County Circuit Court and the United States District Court, Western District of Michigan, Southern Division, and the plaintiff just discovered said fraud. It all started in "Term January 2002," following the "Term September 2001 wherein the plaintiff's "TERM ATT" credits were 12, his "TERM ERN" credits were 12, his TERM HRS credits were 12, his "TERM PTS" were 24 and his "TERM GPA" was 2.00 resulting in a "TERM CUM ATT" 12 credits, a "TERM CUM ERN" 12 credits, a CUM HRS" 12 credits, a "CUM PTS" 24 and a "CUM GPA" 2.00..

23. In that "Term of January 2002, the plaintiff voided two grades, Civil Procedure I and Property II,

which resulted according to the defendant law school's Official Transcript calculations as follows:

A. "TERM ATT" 12 credits, "TERM ERN" 6.00 credits, "TERM HRS" 6 credits, TERM PTS 9.00, and a "TERM GPA 1.50, which resulted in a "TERM CUM ATT" of 24.00 credits, a "TERM CUM ERN" of 18.00 credits, a "TERM CUM HRS" of 18.00 credits, a "TERM CUM PTS" of 33 and a "TREM CUM" GPA of 1.83, which brings us to the first issue in this case, which is:

B. The term of January 2002 and the cumulative GPAs were false. The defendant law school's V-Grade/Retake policy in effect that term was intended to afford students whose cumulative grade point average was falling below the required 2.0 the right to void a maximum of two failing grades and keep the grades that maintained their 2.0 GPA for that term, on the condition that the student will retake the failed courses but will not be credited for the grade received afterward whether it is an A, a B or a C when retaken said courses, and with either of these grades the student will receive a "P" for passing the course. Here, the plaintiff took four (4) legal courses: Civil Procedure I, Contract II, Property II and Torts II, each of which carries 3 credits. The plaintiff failed and voided two courses with the grades, i.e., 3 credits for Civil Procedure I and 3 credits for Property II. Hence, the plaintiff attempted 12 credits and only earned 6 credits for that term and the remaining two courses and 6 credits the plaintiff voided as per the V-Grade/Retake Policy. Therefore, the term of January 2002

and the cumulative GPA were false because the "TERM PTS" and the "CUM PTS" were in fact and mathematically wrong.

C. The defendant law school intentionally and systemically discriminated against the plaintiff because of his race and was willfully negligent in miscalculating his grade point averages for the remaining terms of May 2002, September 2002, May 2003 and September 2003 using its V-Grade/ Retake Policy which appears to be a fraudulent policy in order to keep collecting the plaintiff students loans money on his behalf while keeping him in school despite the fact that his dismissal was already preordained based on the defendant law school's miscalculations of plaintiff's GPAs. The following table, compared to the Official Transcript, is the proper and correct method of calculating students GPAs:

TERM: SEPTEMBER 01

CONTRACTS I						B-
CRIMINAL LAW						C-
INTRO TO LAW						CR
PROPERTY I						B-
TORTS I						C-
		ATT	ERN	HRS	PTS	GPA
	TERM	12	12	12	24	2.00
	CUM	12	12	12	24	2.00

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TERM OF JANUARY-02

CIV. PRO. I						3 VOID
CONTRACTS II						3
PROPERTY II						3 VOID
TORTS I						3
		ATT	ERN	HRS	PTS	GPA
	TERM	6	6	6	12	2.00
	CUM	18	18	18	36	2.00

A Voided Grade or Course and/or Retake must not be factored in the calculation of the GPA

TERM OF MAY-02

CIV PRO II						3.00 F
CRIM PRO						3.00 D
PROFESSIONAL RESPONSIBILITY						3.00 R RETAKE
RESEARCH & WRITING						3.00 B-
		ATT	ERN	HRS	PTS	GPA
	TERM	9.OO	6.00	6.00	12	2.00
	CUM	27.00	24	24	48	2.00

TERM SEPTEMBER-2002

CIV. PRO. I						P
TAXATION						B-
BUSINESS ORGANIZATION						B-
		ATT	ERN	HRS	PTS	GPA
	TERM	9	9	6	15.00	2.5
	CUM	36	33	30	63.00	2.1

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TERM OF MAY 2003

CIV. PRO. II						3.00 B
CON LAW I						3.00 B
PR						3.00 P
PROPERTY II						3.00 P
		ATT	ERN	HRS	PTS	GPA
	TERM	12.00	12.00	6.00	18.00	3.00
	CUM	48.00	45.00	36.00	81.00	2.15

TERM OF SEPTEMBER 2003

ADVANCE						3.00 B-
WRITING						
CON LAW II						3.00 C
EVIDENCE						3.00 C-
EQUITIES & REMEDIES						3.00 C-
		ATT	ERN	HRS	PTS	GPA
	TERM	12.00	12.00	12.00	24.00	2.00
	CUM	60.00	57	48.00	105.00	2.18

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To wit, in this case, on September 26, 2003 Cooley Law School issued the plaintiff student's Grade Report for the Trinity Term 2003 with a Term GPA of 3.00, with a Cumulative Summary of 2.05 and Required Course Cumulative Summary of 2.05, (see attached Grade Report annexed hereto as Exhibit 3A), only to later, on September 29, 2003, issue an uncommon Revised Grade Report to reflect an updated Term Summary of 3.00, a cumulative Summary of 1.96 and a Required Course Summary of 1.96 (see the uncommon Revised Grade Report annexed hereto as Exhibit 3B) in order to wrongfully dismiss the plaintiff student academically together with his pending lawsuit against the law school in the Michigan State Court and the Western District Court then, (see No.03-CV-176 (RAE) (ESC)). Therefore, the defendant law school obtained judgments by fraud in these courts and intentionally and systemically discriminated against the plaintiff because of his race and was willfully negligent in miscalculating his grade point averages for the remaining terms.

COUNT I, FRAUD

24. Plaintiff incorporates by reference paragraphs 1-24 as though fully stated herein. The evidence will prove to the Court and to the jury for that matter that the defendant law school has not only committed fraud in the factum against the plaintiff as a then law student but also against both the state and federal courts, as well as to the law students population and the legal community in general, when the defendant law school misrepresented the plaintiff's GPA by intentionally or recklessly miscalculating said GPA in

complete disregard of its legal duty as a legal educator and the consequences to the plaintiff as then a law student whose legal education was being financed by federal loans taken on plaintiff's behalf by the defendant law school. It is implausible that plaintiff should be liable for such corrupt student debt. It would not be fair to say that plaintiff owes the government agency a debt.

Wherefore, the plaintiff prays this Court to award him exemplary damages in the amount of $10,000,000.00 together with an order for the issuance of his legal diploma from the defendant law school and any other relief that this Court deems just, proper and equitable.

COUNT II, LIBEL

25. Plaintiff incorporates by reference paragraphs 1-25 (including Exhibits annexed) as though fully stated herein. The evidence will also prove that the defendant law school committed libel against the plaintiff as a law student by printing and publishing false information about his grade point average destroying his reputation and integrity as a then law student, as a former law student and as a legal scholar whose legal career has completely halted and destroyed as a result of the defendant law school's libelous actions, because such defamatory statements by the defendant law school is not only libel per se, but also libel per quod that created special damages to the plaintiff such as loss of educational opportunities, of legal and professional employment opportunities as a former disgraced, wrongfully academically dismissed law

student. This is a proven deprivation of rights under § 1983 pursuant to the plaintiff's "stigma-plus" due process claim, Plaintiffs has established: (1) the public disclosure of this stigmatizing statement by a state actor; (2) the accuracy of which is contested; (3) plus the denial of some more tangible interest.

Wherefore, the plaintiff prays this Court to award him special and general damages in the amount of $19,000,000.00 for the loss of opportunities from the year 2003 when the defendant law school began its continuous unlawful and wrongful actions against the plaintiff to the year 2022 when the plaintiff filed this complaint, together with an order for the issuance of his legal diploma from the defendant law school and any other relief that this Court deems just, proper and equitable.

COUNT III, VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT AND JUDICIAL ETHICS

26. Plaintiff incorporates by reference paragraphs 1-26 (including Exhibits annexed in the lower courts' records) as though fully stated herein. To be plain and concise, the undisputed facts will prove that the defendant law school violated the Rules of Professional Conduct and Judicial Ethics as a defending party to a lawsuit who acted improperly and inappropriately under the Rules, when, as a party defendant in that lawsuit, the defendant law school was preliminary enjoined by that court after a hearing before trial to prevent the defendant law school from committing the irreparable injury of dismissing the plaintiff student

from school before the court had a chance to decide the case, the defendant law school with its conflicting interest decided to interfere with the Code of Conduct, which is a set of ethical principles and guidelines adopted by the Judicial Conference that provides guidance on issues of judicial or educational integrity and independence, judicial diligence and impartiality by which judges must abide for the avoidance of impropriety or even its appearance. This means that the defendant law school as an enjoined defendant in the plaintiff's lawsuit must not have acted like a sole judge, jury and executioner in correcting the plaintiff's final exam which was the subject matter of the case against the defendant law school, on which the plaintiff's case depended to go to trial. In doing so, the defendant law school violated the Code of Judicial Conduct and Professional Ethics because it was not impartial and lacked judicial integrity and independence as well as educational diligence. The defendant law school failed to avoid impropriety or even its appearance, as judges should not hear cases in which they have either personal knowledge of the disputed facts, a personal bias concerning a party to the case, earlier involvement in the case as a lawyer, or a financial interest in any party or subject matter of the case, because the defendant law school had a conflict of interests in that case as the defendant law school was a party defendant and the final exam, which an independent uninterested third party, such as the injunction issuing court or the Western Michigan University, could have corrected, as that final exam was the subject matter of the lawsuit against the defendant law school. The defendant law school violated the Code.

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Wherefore, the plaintiff prays this Court to grant him a declaratory judgment, together with an order for the issuance of his legal diploma from the defendant law school and any other relief that this Court deems just, proper, and equitable.

COUNT IV, RETALIATORY ACADEMIC DISMISSAL

27. Plaintiff incorporates by reference paragraphs 1-27 (including Exhibits annexed) as though fully stated herein. The defendant law school retaliated against the plaintiff as a then law student who filed a lawsuit in state and federal courts and obtained the state preliminary injunction against the defendant law school for its wrongful actions, and where after, the defendant law school's two agents, employees or professors who taught evidence, equity & remedies in term September 2003 verbally threatened the plaintiff in class, conspired to retaliate against the plaintiff and retaliated against the plaintiff in their corrections of the plaintiff's final exams, upon which successful final exams the plaintiff then student's lawsuit depended in order not to be dismissed by the state court, for the benefits of the defendant law school as their employer who then in retaliation dismissed the plaintiff then student for lack of such success therein, causing the plaintiff then student litigant's lawsuit against the defendant law school to be also automatically dismissed by the courts.

Wherefore, the plaintiff prays this Court to grant him a declaratory judgment, as well as punitive damages in the amount of $10,000,000.00 together with an

order for the issuance of his legal diploma from the defendant law school and any other relief that this Court deems just, proper, and equitable.

COUNT V, FORGERY AND VIOLATION OF RIGHTS UNDER 42 U.S.C. §1983

28. Plaintiff incorporates by reference paragraphs 1-28 (including Exhibits annexed) as though fully stated herein. The defendant law school and/or the defendant DOE forged the plaintiff's signature on a federal student loan document, i.e. a "Promissory Note" that the plaintiff never signed. This is a federal tort that destroyed the plaintiff's reputation by bad credit reports with multiple debt collection agencies and the credit bureau, in direct violation of plaintiff's rights to due process. (Bad credit report and credit denial are available upon request). The plaintiff is being harassed by multiple debt collection agencies generated by the defendants. (Harassing letters and plaintiff's responses to such are available upon request). The defendants forged a Federal Family Education Loan Program (FFELP), Federal Consolidation Loan Application and Promissory Note that the plaintiff never had the opportunity to sign personally, and this is a federal tort and the unfair treatment by both the State of Michigan and defendant DOE concerns the rights, privileges, and immunities enumerated in the United States Constitution.

29. The plaintiff's civil rights and civil liberties were violated by the respondents pursuant to the Civil Rights Act of 1964 which prohibits discrimination in

education based on Race, Color, Religion, Sex, National Origin or other personal characteristics.

30. As to plaintiff's forged signature on the promissory note at issue, the information on such Application was apparently from a prior undergraduate promissory note that the plaintiff had signed while in undergraduate school, which debt is fully paid and acquitted. The signature on that Application is patently not the plaintiff's signature. The defendants' secretaries, employees, or servants (named omitted due to the temporary nature of the position of secretary) have forged the plaintiff's signature on that Federal Application and Promissory Note. Apparently, the defendant's agents knew that the Promissory Note was defective or altered, and accordingly, as a Guaranty Agency, the defendant DOE had knowledge that said loan was uncollectible by reason of this defective condition. (Promissory Note and Indemnification Agreement for the Assignment of the Promissory Note are available upon request).

31. As a result of Defendant's forgery of Plaintiff's signature, Plaintiff suffered severe emotional distress, loss of possession of his property and liberty interests in his good name, reputation, honor, integrity, credit worthiness and civil rights, which are protected under the Constitution. The plaintiff also suffered and continues to suffer actual, consequential, and incidental losses sustained because of Defendants wrongful actions. (See lower courts Exhibit 6) 32. The defendant secretary (name omitted) and the state court judge (name omitted) acted or omitted to act under color of state law when the secretary forged the plaintiff's

signature on the Federal Document and withhold the plaintiff's and wife's income tax return without a warrant, hence violating his Fourth Amendment Rights against illegal search and seizure and the due process clause of the Fourteenth Amendment of the United States Constitution, and when the State Court Judge of Michigan failed to supervise her own preliminary injunction against defendant law school which presided over this case as a defendant, and the acts [failure to act] of the defendant deprived the plaintiff of particular rights under [the laws of the United States] [the United States Constitution] as explained in later instructions. 33. Defendant Cooley law School's conduct was an actual cause of the claimed injury because the injury would not have occurred but for the defendant's conduct and the conduct had sufficient connection with the result. A person acts "under color of state law" when the person acts or purports to act in the performance of official duties under any state, county, or municipal law, ordinance, or regulation. Here the defendant's conduct was and is an actual cause of a plaintiff's injury because the injury would not have occurred 'but for' that conduct, and the conduct has a sufficient connection to the result. The defendant acted under color of state law, the acts or failures to act of the defendant law school deprived the plaintiff of particular rights under the laws of the United States, the United States Constitution, and the defendant's conduct was the actual cause of the claimed injury.

COUNT VI, STIGMA-PLUS" DUE PROCESS CLAIM UNDER § 1983

34. Plaintiff alleges a "stigma-plus" due process

claim under § 1983 on the grounds that Defendants violated his Fourteenth Amendment rights by denying student plaintiff an opportunity to be heard before publishing a purportedly erroneous Grade Point Average (GPA) report on a successful final examination. Plaintiff contends that the publication of this GPA report caused Plaintiffs to be deprived of protected employment-related interests. The plaintiff has established: (1) the public disclosure of this stigmatizing statement by a state actor, here the defendant law school; (2) the accuracy of which is contested; (3) plus the denial of some more tangible interest.

35. The respondent law school, as a private entity, performs a traditional, exclusive public function, i.e. educating or training lawyers and future judges for both federal, state, and local courts. The respondent law school as a private entity performing such governmental function, is a state actor who is (1) acting under color of State law; (2) subjects or causes to be subjected to deprivation; (3) a U.S. citizen (student plaintiff) or person in the jurisdiction of the United States; (4) of a right, privilege, or immunity secured by the Constitution and laws.

36. Defendant Cooley Law School as a state actor has caused a constitutional violation under the "integral-participant doctrine," because (1) the defendant law school knew about and acquiesced in the constitutionally defective conduct as part of a common plan, which is the formula that follows: "academic dismissal equals = Complaint's dismissal= defendant school potential financial loss eliminated," with those (her servants or agents (names omitted)) whose conduct

constituted the violation, or (2) the defendant set in motion a series of acts by others (her servant or agents) which the defendant knew or reasonably should have known would cause others to inflict the constitutional injury on the student plaintiff."

37. The defendants' conduct was the actionable cause of the claimed injuries on the student plaintiff. The defendant law school's "conduct is an actual cause," or cause-in-fact, of the student plaintiff's injuries because the injury ("failure to graduate after about 4 years of study at the defendant law school) would not have occurred 'but for' that conduct. (failure of the defendant law school to recuse herself from correcting the final law exams of the student); her failure to assign such correction to an independent arbiter, such as the injunction issuing state court or the Michigan Law School as another alternative to her impropriety in her self-serving correction while a defendant in the action.

38. The defendant's conduct is a "proximate cause" of a plaintiff's injury because "it was not just any cause, but one with a sufficient connection to the result. "The Stigma-plus" due process claim lies in this case because reputational harm to student plaintiff is also accompanied by the additional deprivation of liberty or property, by the defendants. It was foreseeable that if the student plaintiff is successful in his final exams, the defendant law school would have lost the pending lawsuit because winning the lawsuit was dependent upon the result of the student plaintiff's final law exams. And the defending law school did not want to lose the lawsuit." It was also foreseeable

that the defendant law school would retaliate against the student plaintiff for having sued her, a violation of student plaintiff First Amendment Rights, and the state court breached her duty to protect the student plaintiff against such retaliation, but instead facilitated it, a violation of student plaintiff's Equal Protection Rights under the Fourteenth Amendment to the Constitution of the United States. The proximate cause requirement places liability in this situation on the defendant law school because the causal link between her conduct and resulting injuries to the student plaintiff is so related and strong that the consequence is more aptly described as destructive to the student plaintiff.

WHEREFORE, Plaintiff respectfully requests this Court to grant judgment in his favor and against the defendants in an amount in of $15,000,000.00 for compensatory damages sufficient to compensate the plaintiff for actual, consequential and incidental losses sustained as a result of defendants' wrongful and unlawful actions and for exemplary damages in the amount of $10,000,000 resulting from defendants' intentional, and unlawful actions, ordering the defendant DOE to discharge the alleged student loan debt and to report the discharge of the student loan debt to all credit reporting agencies to which the defendant DOE previously reported the status of the loan and to remove any and all adverse credit history previously associated with the loan, together with an order for the defendant law school to issue the plaintiff his legal diploma and any other relief that this Court deems just, proper and equitable.

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COUNT VII, COLLECTION HARASSMENTS

39. The Defendant Agency caused its agents Reliant Capital, Reliance Coast and others to keep harassing the Plaintiff with threatening collections letters during the years 2019 and 2020 and reported the Plaintiff's name and social security number to the credit bureau and caused the Plaintiff student to be denied credit. Further, the Defendant Agency, without any legal authority or court order, caused the Internal Revenue Service to garnish the Plaintiff's and wife's joint tax returns to the point Plaintiff's wife is forced to file injured spouse tax form every year to avoid the illegal garnishment of their income tax returns. The plaintiff is being harassed by multiple of the Defendant Agency's debt collectors generated by the defendants. (Harassing letters and plaintiff's responses to such are available upon request).

40. As a result of Defendant's collection harassment, Plaintiff suffered severe emotional distress, loss of possession of his property and liberty interests in his good name, reputation, honor, integrity, credit worthiness and civil rights, which are protected under the Constitution. The plaintiff also suffered and continues to suffer actual, consequential and incidental losses sustained as a result of Defendant's wrongful actions. (See Exhibit 6)

WHEREFORE, Plaintiff respectfully requests this Court to grant judgment in his favor and against the defendants in an amount in excess of $75,000 for compensatory damages sufficient to compensate the plaintiff for actual, consequential and incidental losses sus-

tained as a result of defendants' wrongful actions and for exemplary damages in the amount of $1,000,000 resulting from defendants' intentional, and unlawful actions, ordering the defendant DOE to discharge the alleged student loan debt and to report the discharge of the student loan debt to all credit reporting agencies to which the defendant DOE previously reported the status of the loan and to remove any and all adverse credit history previously associated with the loan, together with an order for the defendant law school to issue the plaintiff his legal diploma and any other relief that this Court deems just, proper and equitable.

COUNT VIII ABUSE OF PROCESS

41. The defendant Federal Agency failed to take proper action and to disclose its decision in writing on the Plaintiff student's Loan Discharge Application, which the Plaintiff student submitted to the defendant agency on August 15, 2018, thereby causing the Plaintiff student to be prejudiced in exhausting his administrative tort remedies in a timely manner pursuant to the applicable regulations and in timely commencing this action as a decision from the Defendant's agency was pending and awaited.

42. As a result of Defendant Agency's abuse of process, Plaintiff suffered severe emotional distress, loss of possession of his property and liberty interests in his good name, reputation, honor, integrity, credit worthiness, civil rights and liberties, which are protected under the Constitution. The plaintiff also suffered and continues to suffer actual, consequential and incidental losses sustained as a result of Defen-

dant's wrongful actions. (See Exhibit 6)

WHEREFORE, Plaintiff respectfully requests this Court to grant judgment in his favor and against the defendants in an amount in excess of $75,000 for compensatory damages sufficient to compensate the plaintiff for actual, consequential and incidental losses sustained as a result of defendants' wrongful actions and for exemplary damages in the amount of $1,000,000 resulting from defendants' intentional, and unlawful actions, ordering the defendant DOE to discharge the alleged student loan debt and to report the discharge of the student loan debt to all credit reporting agencies to which the defendant DOE previously reported the status of the loan and to remove any and all adverse credit history previously associated with the loan, together with an order for the defendant law school to issue the plaintiff his legal diploma and any other relief that this Court deems just, proper and equitable.

COUNT IX NEGLIGENT SUPERVISION

43. The Defendant Federal Agency failed to supervise its agents whose duty is to manage the Federal Family Education Loan Program and its Promissory Notes. The defendants forged a Federal Family Education Loan Program (FFELP), Federal Consolidation Loan Application and Promissory Note that the plaintiff never had the opportunity to sign personally. The information on such Application was apparently from a prior undergraduate promissory note that the plaintiff had signed while in undergraduate school, which debt is fully paid and acquitted. The signature on that Application is patently not the Plaintiff student's sig-

nature. The Defendants' agents, employees, or servants have forged the plaintiff's signature on that Federal Application and Promissory Note. Apparently, the Defendant's agents knew that the Promissory Note was defective or altered, and accordingly, as a Guaranty Agency, the defendant DOE had knowledge that said loan was uncollectible by reason of this defective condition. (Promissory Note and Indemnification Agreement for the Assignment of the Promissory Note are available upon request).

44. As a result of Defendant's forgery of Plaintiff's signature, Plaintiff suffered severe emotional distress, loss of possession of his property and liberty interests in his good name, reputation, honor, integrity, credit worthiness and civil rights and liberties, which are protected under the Constitution. The plaintiff also suffered and continues to suffer actual, consequential and incidental losses sustained because of Defendant's wrongful and unlawful actions. (See lower courts' records Exhibit 6 annexed thereto);

WHEREFORE, Plaintiff respectfully requests this Court to grant judgment in his favor and against the defendants in an amount in excess of $75,000 for compensatory damages sufficient to compensate the plaintiff for actual, consequential and incidental losses sustained as a result of defendants' wrongful actions and for exemplary damages in the amount of $1,000,000 resulting from defendants' intentional, and unlawful actions, ordering the defendant DOE to discharge the alleged student loan debt and to report the discharge of the student loan debt to all credit reporting agencies to which the defendant DOE previously reported the

status of the loan and to remove any and all adverse credit history previously associated with the loan, together with an order for the defendant law school to issue the plaintiff his Jurist Diploma and any other relief that this Court deems just, proper and equitable.

COUNT X, VIOLATION OF THE PLAINTIFF'S RIGHTS TO BOTH PROCEDURAL, SUBSTANTIVE DUE PROCESSES AND THE RIGHT TO EQUAL PROTECTION BECAUSE OF THE PLAINTIFF'S RACE

45. Plaintiff incorporates by reference paragraphs 1-29 (including Exhibits annexed) as though fully stated herein. The defendant law school violated the plaintiff's constitutionally protected rights to both procedural and substantial due processes and the plaintiff's right to equal protection as a then law student when after the defendant law school's aforementioned professor lost one of the plaintiff's Blue Book Exam answer causing it not to be corrected, the plaintiff made a written report to the defendant law school Dean that was corroborated by another defendant law school's student's notarized affidavit certifying that the plaintiff student had submitted two Blue Books Exam Answers to the defendant law school's custodian, the Dean did not believe the plaintiff student and did not let the plaintiff student retake that PR exam then despite the eye of an independent and uninterested witness' affidavit because the plaintiff is a black student. The plaintiff believes if he was a white student the defendant law school's Dean would have let him retake that PR exam. Hence, the defendant law

school violated the plaintiff's constitutional right to procedural due process and equal protection.

46. The defendant law school, in failing to assign the duty of correction of the plaintiff then student litigant's final exams to a disinterested third party like the Western Michigan University or to the injunction order issuing Court instead of the defendant law school herself as an interested party in the lawsuit in both state and federal courts, has violated the plaintiff's constitutional right to substantial due process and constitutional right equal protection of the law.

Wherefore, the plaintiff prays this Court to grant him a declaratory judgment, as well as punitive and compensatory damages in the amount of $10,000,000.00 together with an order for the issuance of his jurist diploma from the defendant law school and any other relief that this Court deems just, proper and equitable.

COUNT XI, DEFENDANT LAW SCHOOL ABUSED ITS DISCRETION AND POSITION OF POWER OVER ITS FRAUDULENT GRADING SYSTEM

47. Plaintiff incorporates by reference paragraphs 1-31 (including Exhibits annexed) as though fully stated herein. The defendant law school abused its discretion and position of power over its fraudulent grading system, which the defendant law school used to kill two birds with one stone, i.e., dismissing the plaintiff from the defendant law school's program while also dismissing the plaintiff's pending lawsuit

against the defendant law school in state and federal courts, which could not have occurred if an independent grader like the Western Michigan University or the injunction order issuing court had then corrected the plaintiff's final exams to avoid the appearance of impropriety on the part of the defendant law school who was then a defendant in the plaintiff student's lawsuit. (See Exhibit 7 Letter to defendant explaining GPA.)

48. The action, by the defendant law school, of correcting its legal adversary's final exams (the plaintiff's exams) upon which a pending lawsuit depended in order not to be dismissed, shows that the defendant law school placed itself above the law and that the defendant law school is intellectually dishonest, vindictive and not accountable to the rules of law, which makes no exception as to who or which entity should not comply with the Rules.

Wherefore, the plaintiff prays this Court to grant him a declaratory judgment, as well as punitive damages in the amount of $10,000,000.00 together with an order to the defendant law school to issue to the plaintiff his jurist diploma and any other relief that this Court deems just, proper and equitable.

Dated: 03/25/2024
Freeport, New York

/s/ Dufort J Baptichon
Jean Dufort Baptichon/
Pro se
188 N Long Beach Ave.
Freeport, New York 11520
718-751-5488

APPENDIX 1L
VERIFICATION

STATE OF NEW YORK}
ss:
COUNTY OF NASSAU}

Jean Dufort Baptichon, being duly affirmed, deposes and states that I am the student Plaintiff pro se in the above referenced action that I have written and read the foregoing Verified Bill of Complaint, and the above statement is true to the best of my knowledge, information and belief.

/s/ Dufort J Baptichon
Jean Dufort Baptichon
Petitioner Pro se

APPENDIX 1L
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of June 2024, I served a true and correct copy of the foregoing Verified Bill of Complaint upon the Defendant Department of Education and the WMU Thomas Cooley Law School by first class United States mail addressed to:

Patricia King McBride
Assistant Unites States Attorney
601 D Street
Washington, D.C. 20530

Kathryn E. Bonorchis
Lewis, Brisbois, Bisgaard & Smith, LLC
100 Light Street, Suite 130
Baltimore, MD 21202

Respectfully submitted,

/s/ Dufort J Baptichon
Dufort J, Baptichon
Petitioner Pro se