

For a Word version template of the complaint go to
<https://cafepeyote.com/files/1055598/san-diego-county-coronavirus-lockdown-template.docx>



May 3, 2020

TO: **Wilma Wooten¹**
- San Diego County Public Health Officer
Greg Cox
- Chair San Diego County Board of Supervisors
William Gore
- San Diego County Sheriff
Mayors Mary Salas and Serge Dedina, and all San Diego County City Mayors
Governor Gavin Newsom, et al
Robert S. Brewer, Jr.
- U.S. Attorney, Southern District of California
All Referenced Above in their Official Capacity and as a Man or Woman
- NOTICE TO PRINCIPAL IS NOTICE TO AGENT - NOTICE TO AGENT IS NOTICE TO PRINCIPAL -

RE: **COVID-19 ILLEGAL DE FACTO MARSHAL LAW/HOUSE ARREST/QUARANTINE**
VIOLATION OF COMMON LAW AND CONSTITUTIONAL RIGHTS
VIOLATION OF YOUR OATH OF OFFICE TO PROTECT CONSTITUTIONAL RIGHTS
FEDERAL CLASS ACTION COMPLAINT
AND NOTICE OF POTENTIAL CIVIL AND CRIMINAL ACTION²

Dear Ms. Wooten and all persons and entities referenced above,

I hereby request and demand that you immediately cancel and rescind your San Diego County April 10, 2020 "Order of the Health Officer and Emergency Regulations" or similar orders, as well as request and demand that you ignore and rescind where applicable California Governor Gavin Newsom's Executive Order N-33-20, as regards ordering County and state residents and the public in general to shelter in place due to the coronavirus, Covid-19, outbreak, including leaving their places of employment, closing their businesses, not being allowed to go to public places including beaches and parks, limiting access to restaurants, supermarkets and all so called essential and non-essential businesses, as well as forcing men, children and women to wear any sort of face covering in order to go about their lives, inside or outside of their home, in a public or private area, and maintaining 6-foot social distancing, hereinafter the "lockdown." This request and demand are based on the following findings of fact and conclusions of law:

THE SO-CALLED MEDICAL EMERGENCY JUSTIFYING THE LOCKDOWN

While the initial death estimates of the impact of the Covid-19 virus were very high, with tens of millions infected and 2.2 million dying in the United States, and where such data was used by President Trump, under advisement of federal health authorities, in order to declare a lockdown of our economy on a national and state level, the 2.2 million death estimates for the USA have now been proven to have been

¹ All pertinent physical and email addresses, and fax numbers for legal notification purposes (proof of service) of all the individuals referenced above will be listed at the end of this document.

² Note: It is not my intention to harass, intimidate, offend, conspire, blackmail, coerce, or cause anxiety, alarm or distress. This Complaint and Notice to Cease and Desist are presented with honorable and peaceful intentions and are expressly for your benefit to provide you with due process and a good faith opportunity to correct your unconstitutional and illegal behavior and actions.

extremely exaggerated:³ The number has now been revised to say that less than 100,000 would die from Covid-19. By May 3, with the flu season at its end, about 68,000 death have been reported and those numbers are suspect. This means that using the original estimates and the current deaths, 2.2 million divided by 68,000, it will show that the original projections were overestimated and exaggerated by 3,200%.

According to a recent study of Santa Clara, CA, the Covid-19 infection fatality rate was 0.12 to 0.2%, compared to the annual flu mortality rate of 0.2, meaning that Covid-19 is more likely to cause less fatalities annually than the flu.⁴

The current report states that of this date there are 1.18 million confirmed cases of persons infected with Covid-19. CDC estimates that the burden of illness during the 2018–2019 flu season included an estimated 35.5 million people getting sick with influenza.⁵ If we add to the 35.5 million sick people the millions of others that were infected, but due to their good immune system, had no visible or reportable signs of flu infection, other than mild cold-like symptoms, we can be talking about +60 million persons infected. Why would 1.18 million confirmed infections by Covid-19 be considered more serious or more contagious? The data does not support that conclusion.

Based on the above, the assumptions that Covid-19 was a much more contagious and deadly disease than an ordinary flu was accidental or purposefully misrepresented, misguided and therefore the authorities were wrong in using such initial fatality rates as a justified reason for closing the USA economy and putting USA residents in lockdown to deal with such Covid-19 outbreak, all in violation of the State and Federal Constitutional Civil Rights of such residents, such constitutional rights being a mere reflection of our God-given right to life, freedom and the pursuit of happiness, all violated and taken away by these Draconian orders related to Covid-19.

One need only refer to the number of annual deaths in the United States to see that the number of deaths in our country other than flu are much more significant than Covid-19 deaths, and that these typical conditions can be made worse with the shutdown of medical facilities that have been limited to Covid-19 cases. Here is a CDC report on annual deaths in 2017:

US 2017 Number of deaths for leading causes of death:⁶

Heart disease: 647,457

Cancer: 599,108

Accidents (unintentional injuries): 169,936

Chronic lower respiratory diseases: 160,201

Stroke (cerebrovascular diseases): 146,383

Alzheimer's disease: 121,404

Diabetes: 83,564

Influenza and Pneumonia: 55,672

Nephritis, nephrotic syndrome and nephrosis: 50,633

Intentional self-harm (suicide): 47,173

TOTAL ANNUAL DEATHS: 2,081,531 (Note: Influenza and pneumonia represent 2.67% of annual deaths)

³ See Imperial College London Model for the impact of Covid-19 being reduced, from 500,000 to 20,000 or fewer in the United Kingdom and from 2.2 million to much less than 100 thousand in the United States, probably as low as the annual average flu numbers. See Imperial College model article by the Washington Examiner, at <https://tinyurl.com/Imperial-College-Covid19-Stats>. See also recent White House Coronavirus Task Force briefings.

⁴ See news report, "Stanford Study: More than 48K Santa Clara County residents have likely been infected by coronavirus," at <https://tinyurl.com/Stanford-Study-Covid-19>.

⁵ See CDC website flu estimates for 2019 at <https://www.cdc.gov/flu/about/burden/2018-2019.html>.

⁶ See <https://www.cdc.gov/nchs/fastats/deaths.htm>.

USE OF FACE COVERINGS AND LIMITED ACCESS TO PUBLIC AND PRIVATE PLACES

As with the flu and other contagious diseases, including Covid-19, it is common knowledge that these diseases have an especially detrimental effects on the elderly and all those that have weak immune systems. This in turn means that persons with a healthy immune system are less likely to suffer serious health problems from these diseases. Yet, health authorities are not telling the public to boost their immune systems, such as taking proven vitamin supplements, as vitamins A, C and D, Zinc, maintaining a healthy natural diet, exercising and breathing fresh air, being in the sun and thus allowing the body to create natural vitamin D.⁷ A mere policy of washing your hands and social distancing will not help the immune system become strong and healthy.

The actions taken by the State and County to restrict people from being outside in public, such as parks and beaches, are contrary to the known benefits of being outdoors. To make matters worse, officials from cities and counties are forcing their residents to wear facial coverings when outside. This not only goes against common sense, but it goes against true health protocols.

N95 Masks Versus Facial Coverings

Authorities have been very clear in asking residents not to purchase N95 respirator masks so that these masks can be used by medical staff treating patients with Covid-19. What does this mean? It means that anything below an N95 mask, like facial coverings recommended by authorities made of cloth, do not work in helping the user not being contaminated with the virus if it gets in his/her mask, let's say by someone sneezing at a person directly. Even further, if this were to happen, the aerosolized sneeze would hit the face and eyes of the mask wearer, who would still be infected.

Further, face coverings restrict and decrease the flow of oxygen. This causes stress in our body by making it release Cortisol, a stress hormone released by the adrenal glands, which in turn suppresses the immune system, rendering it more susceptible to disease. We have a physiological system that depends on oxygen.

In such periods of stress, the body releases viruses, which are mere DNA and RNA particles existing inside ourselves and kept in check by healthy immune systems, a sort of viral shedding that increases in yield, making the body more susceptible to Covid-19 or any opportunistic virus. Lack of oxygen due to a face covering can even lead to syncope, persons passing out for lack of oxygen, as is illustrated in a recent car accident apparently due to the use of a restrictive face mask.⁸ This is even worse when you have persons with underlying health conditions, including respiratory problems, who are following local ordinances forcing them to use face coverings under threat of fines and incarceration.

Also, while the amount of inhaled air contains 21% of oxygen and only 0.04% of carbon dioxide, the air we breathe out contains 16.4% of oxygen and 4.4% of carbon dioxide, which toxic carbon dioxide is recirculated into the body, which can cause further oxygen depletion in the air we breathe.

Surgical and N95 masks are not intended to protect anyone from being infected in the first instance; instead, they are intended to protect any hospital patient from being exposed by medical staff that may have a contagious disease. Making people wear facial coverings in open spaced like beaches and parks makes absolutely no sense and are detrimental to the overall health of people being forced to use them while in public settings.

⁷ See "The Benefits of Vitamin D", at <https://www.healthline.com/health/food-nutrition/benefits-vitamin-d>.

⁸ See ABC report on man wearing an N95 mask passing out while driving, at <https://tinyurl.com/Crash-Due-To-N95-Mask>.

DESTRUCTION OF OUR ECONOMY

The supposed actions by federal, state, county and local government health officials are intended to minimize harm to our communities' health, and while Covid-19 has affected our communities, the impact of the closing of targeted and selected business and the resulting unemployment of millions of Americans is causing more widespread injury resulting from mental stress on our population, as showed by the increase of alcohol and drug consumption, both legal and illegal, and suicide,⁹ as well as its effect on vulnerable immune system-deficient residents whose preexisting health problems puts them at risk of severe complication of their existing conditions due to the stress of the financial uncertainty of their future means to provide for their families.

EFFECT ON CONSTITUTIONAL PROTECTIONS TO PEACEFUL ASSEMBLY AND FREEDOM OF SPEECH -- VIOLATION OF STATE AND COUNTY OFFICIALS' OATH OF OFFICE

The present lockdown of residents in all States in our nation is an unnecessary, detrimental and abusive executive-level mandate that is nothing less than an undeclared and constitutionally unauthorized De Facto Marshall Law upon the residents and visitors in our country, an unjustified House Arrest and forced Quarantine, noting that in common law, the law of the land, there is no such thing as martial law, and our nation is not in wartime to justify such actions.

This Covid-19 lockdown is nothing less than governmental overreach, a clear constitutionally-prohibited act not only by governments at all levels, but also by government officials, as individuals, in their private and personal capacity, who are taking actions beyond their authorized constitutional mandates and obligations.

All government employees take an Oath of Office to Uphold their State and Federal Constitutions. This oath requires all such employees of We the People to defend and protect our God-given and constitutionally-reflected personal, conscience, medical and religious rights, which are now under attack by the authorities' Covid-19 lockdown.

Notice to Government Employees

Be advised that when you operate and give directives outside of your authority, as reflected in your Oath of Office, and as described above, you act on a personal level, losing all governmental immunity.¹⁰ This is **LEGAL NOTICE** to all government officials referenced herein restricting the rights of any persons not to abide by so-called County orders, including social distancing, mask-wearing or overall travel restrictions, that such actions will be deemed by me and all others joining this **Class Action Complaint Against the Lockdown** as actions taken outside of your constitutional authority and personally, as a man or woman, therefore making you vulnerable to lawsuits under common law and/or through civil litigation. Failure to reply to this complaint will be consider a tacit agreement on your part that you can be held liable due to your unconstitutional actions. Act Appropriately.

NOTICE TO ALL LOCAL AND COUNTY SHERIFFS

While overreaching politicians may issue state, county or city ordinances and orders, if such orders are in direct violation of constitutional rights, as referenced here in, Sheriffs have a constitutional obligation and duty to ensure that such rights are not violated by such abusive and Draconian orders.

⁹ See <https://tinyurl.com/Covid19-Increased-Alcoholism>; <https://tinyurl.com/Covid19-Increased-Depression>; <https://tinyurl.com/Covid19-Increased-Drug-Use>; see <https://tinyurl.com/Covid-Suicides>.

¹⁰ See *Millbrook v. United States*, 569 U.S. 50 (2013); *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971); *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 683, 1687 (1974); *Ex parte Young*, 209 U. S. 123 (1908).

Many Sheriffs across our country have concluded that their local lockdown orders are in violation of such constitutional rights and are refusing to enforce such orders.¹¹ While some may argue that sheriff cannot defy such orders due to their obligation to answer to higher state or federal authorities, that does not stand in the face of their legal obligation to defend the constitution regardless of unjust laws, that if such Sheriff correctly sees that enforcing such Covid-19 lockdown is unconstitutional, that their Oath of Office forces them to ignore such laws.

All Sheriffs in this state are hereby given **LEGAL NOTICE** that it is their legal obligation to not enforce any federal, state, county or city ordinance that violates the constitutional rights of any and all residents of this state as noted herein. Failure to do so can also result in you being subject to criminal action personally under 18 USC 242, Deprivation of Rights under Color of Law,¹² as well as 42 U.S.C. 1983, Civil Action for Deprivation of Rights.¹³

NOTICE TO U.S. DISTRICT ATTORNEY BREWER

Under U.S. Attorney General Bill Barr's letter to all U.S District Attorneys, dated April 27, 2020, titled "Balancing Public Safety with the Preservation of Civil Rights," it directs all U.S. Attorneys to be on the lookout for state and local directives that could be violating the constitutional rights and civil liberties of individual citizens. Under this order, if a state or local ordinance crosses the line from an appropriate exercise of authority to stop the spread of COVID-19 into an **overbearing infringement of constitutional and statutory protections**, you are obligated to address that overreach in federal court if necessary. This further requires U.S. Attorneys to work with all Department of Justice offices and other federal agencies, as well as local officials.

Under U.S. Department of Justice Civil Rights policies and procedures, you are obligated to take **affirmative action** to investigate this complaint and to notify all governmental agencies, including those implementing health policy, to cease and desist from issuing and implementing any ordinances or orders that violate our constitutional rights as outlined in this complaint, whether personal or religious, as the violation of the First Amendment right to engage in personal religious practices, such as attending church or similar religious gatherings, which harms the mind and spirit. The order reminds you that ***the Constitution is not suspended in times of crisis***, requiring the U.S. Attorney General to institute civil procedures as may be appropriate.

Further, this complaint is not limited to violation of civil rights by state, county and city officials, but that you also have the responsibility to protect all herein described violations of civil rights by federal authorities, executive or legislative, that infringe on such rights.

As noted in *Jacobson v. Massachusetts*, 197 U.S. 11 (1905):

"There is, of course, a sphere within which the individual may assert THE SUPREMACY OF HIS OWN WILL and rightfully dispute the authority of any human government, especially of any free government existing under a written constitution, TO INTERFERE WITH THE EXERCISE OF THAT WILL."

¹¹ See <https://tinyurl.com/Covid19-Sheriffs-Defy-Orders>.

¹² See <https://www.law.cornell.edu/uscode/text/18/242>.

¹³ See <https://www.law.cornell.edu/uscode/text/42/1983>.

The Covid-19 lockdown, as noted herein, is unlawful and unconstitutional, forbidding any government agency from limiting natural persons' right to travel and go on with their lives as they deem appropriate based on such rights. Thus, we the complainants demand the exercise of our Supremacy over illegal dictates of any government official impinging on such rights and request that you take action in our favor.

REMEDY AND RELIEF REQUESTED AND DEMANDED

Based on the above, I/We, request and demand the following:

1. That state, federal, county and city officials immediately rescind all ordinances and/or orders related to the Covid-19 lockdown, including the requirement of social distancing, the wearing of facial coverings, restrictions of travel, restrictions to business operations of any sort and all related limitations. Such officials are instructed to rescind such orders within 7 calendar days from the date of this notice and complaint. It is further requested that they make a public announcement to that effect in local media outlets and their website homepage;
2. That all county and city sheriffs and law enforcement personnel immediately cease and desist from enforcing any ordinances or orders by any government agency related to the Covid-19 outbreak and that they make a public announcement to that effect in local media outlets and their website homepage ; and
3. That the local U.S. District Attorney's office investigate and take action against any federal, state, county and/or city official attempting to institute any of the restrictions noted herein, first by cease and desist orders, then followed as necessary by administrative and civil action, including by not limited to denial of federal funds to such government agencies, and by way of criminal prosecution.

Respectfully Submitted,

Ricardo Beas

PROOF OF SERVICE: All parties noted below have been notified and given LEGAL NOTICE OF THIS COMPLAINT and demand to cease and desist with the lockdown, which is in violating my/our rights, via their respective email addresses, webpages, through postal mailing, and or by fax, as follows:

-- **Wilma Wooten:** Health and Human Services Agency, County of San Diego, 1600 Pacific Highway, Room 206, San Diego, CA 92101, USPS CertRec# 7018 1130 0000 2762 7377, Wilma.wooten@sdcounty.ca.gov, https://www.sandiegocounty.gov/content/sdc/hhsa/programs/sd/hhsa_directors_office/contact-us.html.

-- **Greg Cox:** 1600 Pacific Highway, San Diego, CA 92101, USPS CertRec# 7018 1130 0000 2762 7384, Fax 619-235-0644, greg.cox@sdcounty.ca.gov.

-- **William Gore:** John F. Duffy Administrative Center, PO Box 939062, San Diego, CA 92193, USPS CertRec# 7018 1130 0000 2762 7391, sdsheriffwebmaster@sdsheriff.org.

-- **Mary Salas:** 276 Fourth Avenue, Chula Vista, CA 91910, USPS CertRec# 7018 1130 0000 2762 7407, <https://www.chulavista.gov/departments/contact-us>.

-- **Serge Dedina:** 825 Imperial Beach Blvd., Imperial Beach, CA 91932, USPS CertRec# 7018 1130 0000 2762 7414, citymanager@imperialbeachca.gov.

-- **Gavin Newsom:** 1303 10th Street, Suite 1173, Sacramento, CA 95814, USPS CertRec# 7018 1130 0000 2762 7421, Fax (916) 558-3160.

-- **Robert S. Brewer:** 880 Front Street, Room 6293, San Diego, California 92101-8893, USPS CertRec# 7018 1130 0000 2762 7438, Fax (619) 546-0720.

-- **Local Media:** news@kusi.com, news@fox5sandiego.com, kgtv_assignmentdesk@10news.com.