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11 Steve Bloomer, Karla Harksen
Plaintiffs
v
12 City of Davenport,
Policy employee Hegland,
13 Fred's 66 Towing,
Fred of Fred's 66 personally,
14 Unknown policy employees,
The tow truck driver(s),
15 Scott County as operators of the jail,
Unknown jail employees,
16 Davenport employees who caused this,
The government people who ordered the
17 impoundment of our 2 cars and our trailer,
Jerry Houston of Clinton County Iowa,
18 the persons in possession of our trailer and cars and
contents thereof,
19 the spouses of all defendants,
all others who conspired,
20 Defendants

Case number: **03 CV 10,075**

Document #5874 Version 0.9 (upgraded 17 Oct 03)
**1st Amended Complaint for Money Damages,
Punitive Damages, Declaratory and
Injunctive Relief under 42 USC 1983 et
seq. and RICO.**

Notice of Defendant's Concurrent Demands:
Demand for jury trial
Demand for immediate return of Pontiac
Parisienne and the trailer pending
hearing.

21
22 **Equity Delights in Justice - and not in halves.**
California Civil code §3528: The law respects form less than substance.
23 **California Civil Code §3523 For every wrong there is a remedy.**
California Civil Code §3539 Time does not confirm a void act.

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Basis for Jurisdiction - 42 USC 1983

1. This court has jurisdiction under 42 USC §1983 et seq.
2. This court has jurisdiction under the U.S. constitution which is, after all, self-enabling. Authority:
Bivens v Six Unknown Agents of the Federal Bureau of Narcotics (1971) 29 L Ed 2d, 403 US
 388, 91 S Ct 1999
3. This court has jurisdiction pursuant to the concept of pendant jurisdiction.
4. This court’s code for the main cause of action is 42:1983cv

Basis for Venue for this action.

5. Venue is proper here because the acts forming the basis of the complaint happened in this judicial district.
6. Venue is proper here because the plaintiffs and defendants all reside in this judicial district.

Chris Jackson and Davenport must be estopped from asking me for facts that are well known by them and within their control.

7. Chris Jackson’s clients and their employees and partners in conspiracy know very well the dates on which they committed the torts alleged herein.

Defendant’s tow company

8. Fred’s 66 Towing, 7627 Northwest Blvd., Davenport Iowa, telephone 563 391 9666 is a sole proprietorship.
9. Fred is the proprietor of Fred’s 66 towing.

We don’t know the names of all who conspired here.

10. We don’t know the names of many of the people who committed these torts.
11. The City of Davenport knows who continues to deprive me of my car and trailer and other stuff.

Summary of the Case. State took 2 cars, a trailer, and a license with no hearing.

12. I am Steve Bloomer, plaintiff, the voice of this complaint.
13. Karla Harksen is my Mom.

Incorporation by Reference: More Definite Statement filed Sept 28, 2003

- 14. I hereby incorporate by reference the more definite statement that I filed on 28 September 2003.
- 15. The police have taken 2 cars, our trailer, some legal papers.
- 16. The police continue to take more and more of our stuff.
- 17. They interfere with our ability to drive to work.
- 18. This is an ongoing tort.
- 19. This case was filed within any applicable statute of limitation.
- 20. Congress set forth no statute of limitations for civil rights cases.
- 21. The use of state statutes of limitation is an instrument of oppression.
- 22. The use of state statutes of limitation is unconstitutional albeit the common practice.
- 23. Statutes of limitation were originally designed to protect the human.
- 24. Through stealthy encroachment they have been turned around and used against humans.
- 25. Information on the details of the taking of our trailer is within control of Chris Jackson, lawyer for one of the defendants.
- 26. We need not prove our case and present all the evidence here; we merely need allege our case.

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitutions and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . .”

General allegation pertaining to all causes of action:

- 27. We assert every other paragraph of this complaint into every cause of action.
- 28. In committing the acts described herein all defendants subjected me and Karla, my Mom, to deprivation of our rights, privileges, and immunities secured by the U.S. Constitution and the Iowa constitution and the laws made thereunder.
- 29. All Defendants acted under color of statutes, ordinances, regulations, customs, and/or usage, of the state of Iowa, City of Davenport, and county and other laws and regulations.
- 30. All defendants are liable to us in an action at law, suit in equity, or other proper proceeding for redress.
- 31. We demand redress.
- 32. We set forth the details as follows.

1st case of action: being out-to-get us in retaliation and due to political beliefs and wealth based discrimination.

33. Authority: ***Olech v Village of Willowbrook***, 160 F.3d 386 (7th Cir.1998) found at this following link:
<http://www.lawyerdude.8m.com/5126.html>

34. The police are "out to get us".

35. Being "out to get us" and acting on it constitutes a cause of action according to the U.S. Supreme Court as stated in the case of ***Olech v City of Willowbrook***.

36. Davenport and its co-conspirators have inflicted upon me numerous violations of my rights and disproportionate police scrutiny due to my attempts to assert my constitutional rights.

37. Some of the acts of the police in retaliation are listed in this complaint.

2nd group of causes of action: Replevin and Fuentes denial of due process.

38. This court has pendant jurisdiction for common law torts that arise from the events of this violation of my civil rights.

39. **This deprivation of the right to use my trailer is a continuing tort.**

40. **No statute of limitation pertains.**

41. **It is a continuing trespass to chattels.**

42. Jerry Houston of Clinton County Iowa or his assignee or some other person continue to deprive me and Mom of our right to access to our house trailer on this **20th of October, 2003**.

43. We demand the return of our house trailer.

44. Jerry Houston or whoever possesses our trailer does so under color of law.

45. Jerry Houston or whoever possesses our trailer conspires with the state of Iowa and City of Davenport to deprive us of access to our trailer.

46. We are prevented by state action from asserting our rightful control of our trailer.

47. We are so prevented by state actors acting under color of state law.

Causes of Action: Trespass and Trespass to chattels.

48. Davenport employees trespassed onto our yard and placed a sticker on Mom's trailer.

49. Davenport employees threatened to take our trailer if we did not move it.

50. We tried to move it but the hitch broke.

51. When we returned with the fixed hitch out trailer was gone.

52. We called Fred's 66 Service at 7627 Northwest Blvd., Davenport, Iowa 52806 and they told us that they had our trailer.

53. Fred's 66 said that they had a contract with the police to take our trailer.

54. Douglas Palaschak of California informed me that his research showed that the trailer is in the custody of Jerry Houston of Clinton County.

55. Without a warrant they surreptitiously took our mobile home.

56. They denied us a hearing.

57. They sold it to Jerry Houston of Clinton County Iowa.

1 58. The denial of due process precluded the taking from being legal - despite its being "under color of
2 law".

3 **3rd group of causes of action: Continuing Trespass to our Pontiac Parisienne car and Taking of
4 our Pontiac Parisienne car**

5 59. This case arises from a pretextual traffic stop for an alleged failure to wear a seatbelt.

6 60. The stop happened on 28 August 2002 in Davenport.

7 61. Police and Fred's 66 and the city of Davenport conspired to violate debtor exemptions and the
8 constitution.

9 62. They permanently deprived me (Steve Bloomer) of my car because I allegedly did not wear my seat
10 belt.

11 63. Then they took me to jail in handcuffs - but ironically they did not fasten my seatbelt in the police car.

12 **4th cause of action: Violation of my right to remain silent**

13 64. I exercised my right to remain silent.

14 65. Then the police accused me of "harassing a public official by remaining silent".

15 66. The city prosecuted me on that ordinance.

16 67. Upon my motion, the judge dismissed that count.

17 68. I, Steve Bloomer, like many men, believe that traffic police act without valid jurisdiction.

18 69. They do not properly weigh competing societal concerns.

19 70. Rather than serve and protect they stop and collect.

20 71. They trample our rights.

21 72. I have a deeply held religious belief against self-incrimination.

22 73. Our constitutional proscription against self-incrimination is rooted in the refusal of Jesus to answer
23 Pontius Pilate as related in the gospel of St. Luke, chapter 27, verse 11.

24 74. The ride- along officer (name unknown) was at the time of arrest prejudiced me

25 75. I heard the office say something to the effect of

26 76. "I know that Bloomer can talk.

27 77. I have talked to him before."

28 78. The pretext used to attempt (unsuccessfully) to justify the stop was a seat belt violation.

79. The pretext was that officers were concerned that I might injure myself by not wearing a seat belt.

80. I invoked my right to remain silent.

81. One of the officers took some Ohio legal papers from the dash of my car.

82. and never did return them.

83. Among these confiscated papers were petitions to redress grievances.

84. There were 4 letters addressed to Judge Martin Boyce of the Federal Court of Appeals in Ohio.

85. I was petitioning concerning his having dismissed complaints, without filing them first.

- 1 86. I am a political activist.
- 2 87. I am a statesman.
- 3 88. I help others to vindicate their civil rights.
- 4 89. The Davenport police confiscated my petition against federal Judge Judy Wells for her mental disability/misconduct.
- 5 90. I was petitioning in the case of Ohio Representative James Traficant.
- 6 91. Davenport police took the papers.
- 7 92. They were on top of the dash in front of me
- 8 93. Attorney Douglas Palaschak of Ventura telephoned the jail and talked to several people.
- 9 94. An officer returned a call to Palaschak and informed Palaschak that the evidence room contained no papers taken from me and that the police did not have my papers.
- 10 **5th cause of action: violation of 4th amendment in invading my car.**
- 11 95. In seizing my political petition from my car, the city employee violated my 4th amendment to be secure in my car.
- 12 96. This violation is actionable under 1983 et seq.
- 13 **6th group of causes of action: violation of privacy in papers; RICO, violation of my right to petition.**
- 14 97. I hereby include every other paragraph of this complaint into every cause of action.
- 15 98. On or about Wednesday 28 August 2002 at 12 noon Davenport police employee Hegland was in the midst of a pretextual traffic stop against me.
- 16 99. Details of this cause of action are given at the 4th cause of action.
- 17 100. Hegland or his partner reached into the car and snatched 8 to 12 pages of legal petition from my dashboard.
- 18 101. This taking was retaliation for my having invoked my constitutional rights.
- 19 102. This retaliatory measure constitutes several causes of action, to wit:
- 20 a. The state confiscated my legal papers;
- 21 b. The state interfered with my right to petition for redress of grievances.
- 22 c. The state violated my right to be "secure in [my] papers and effects. . ."
- 23 "The right of the people to be **secure in their persons, houses, papers,**
- 24 **and effects**, against unreasonable searches and seizures, shall not be
- 25 violated, and no warrants shall issue, but upon probable cause, supported
- 26 by oath or affirmation, and particularly describing the place to be searched,
- 27 and the persons or things to be seized." - 4th amendment
- 28 103. Michael Owen Thompson is a witness to the fact that I wrote the petitions that were seized by the Davenport employees at this traffic stop.
104. The police violated my rights by even knowing what the papers said.

1 **7th cause of action: 5th amendment taking in violation of the 14th amendment**

2 105. I hereby incorporate the facts relating to the traffic stop as explained in the 4th and 6th groups of
3 causes of action set forth above.

4 106. Taking my papers and my car violates the taking clause of the 5th amendment and the 14th
5 amendment.

6 “No state shall make or enforce any law which shall abridge the privileges
7 or immunities of citizens of the United States; nor shall any state deprive any
8 person of life, liberty, or property, without due process of law;” - 14th
9 amendment privileges and immunities clause.

10 107. Here are the additional details requested by Chris Jackson, counsel for the city:

11 108. On October 31, 2002, I appeared in the District Court of Scott County for a pre-trial conference in the
12 case #07821 smcr 253225.

13 109. The pretextual and false arrest was based on an unconstitutional city ordinance.

14 110. Attorney Douglas Palaschak wrote an overbreadth motion #5571 for me.

15 111. This motion is on the net at: <http://www.circuitlawyer.8m.com/5571.html>

16 112. The judge agreed with me and dismissed that case.

17 113. I went to Steve’s towing and retrieved some of my belonging’s from the car.

18 114. I demanded my car.

19 115. Steve’s towing would not release my car; they said I owed them money.

20 116. The same thing happened to Attorney Douglas Palaschak in Santa Monica.

21 117. Police there falsely arrested him after their clerk made an error in transcription resulting in the false
22 allegation that Palaschak’s car was stolen.

23 118. Palaschak was released after 8 hours in custody but the tow yard would not release his car.

24 119. Palaschak argued and eventually persuaded the police to ride to the tow yard and release the car.

25 120. Davenport police should have released Steve’s car.

26 121. Davenport’s mistake and violation of Steve’s rights triggered the illegal and false impoundment of
27 his car.

28 122. Palaschak warned Steve’s towing that they would be sued under section 1983 and sent them a
demand by fax with a deadline for them to return the car to Steve.

123. Steve’s employees scorned Palaschak and the law.

124. Steve’s or their assignee continue to deprive me of possession of my car.

8th cause of action: Blocking my political communication and association. 1st and 14th amendments

125. Congress was authorized by the 14th amendment to enforce the privileges and immunities clause.

 “The Congress shall have power to enforce, by appropriate legislation, the
provisions of this article.” - 14th amendment.

1 126. Congress did so enforce the provisions of the privileges and immunities clause - and the takings
2 clause by providing a remedy, to wit: action pursuant to 42 USC 1983 et seq.

3 127. The taking of my political communication and petition for redress of grievances is a grievous offense
4 by Hegland and his ride along buddy.

5 128. I am entitled to redress of this grievance.

6 **9th cause of action: false imprisonment**

7 129. Hegland and his conspirators arrested me and imprisoned me on 28 August 2002.

8 130. This arrest and imprisonment was in retaliation for my having exercised my 4th amendment right to
9 remain silent.

10 131. This arrest and imprisonment was in retaliation for my having exercised my right to petition for redress
11 of grievance in the 8 to 12 political petitions on my dashboard.

12 132. Hegland and his conspirators arrested and imprisoned me in violation of the privilege and immunities
13 clause.

14 **My Rights as a State Citizen**

15 133. Hegland and his conspirators violated my rights as a state citizen.

16 134. These rights of a state citizen embrace more that what is enumerated in the bill of rights.

17 135. Indeed the enumeration of certain rights does not preclude the existence of other rights - 9th
18 amendment.

19 136. I was on August 28th entitled to equal protection of the laws including the right to the convenience of
20 a traffic ticket.

21 137. Defendants who participated in my incarceration committed the torts of false imprisonment and abuse
22 of process . . .

23 138. For which I am entitled now to redress.

24 **10th cause of action: false arrest**

25 139. Hegland and his conspirators arrested me and imprisoned me as described elsewhere herein.

26 140. This false arrest constitutes false arrest.

27 **11th cause of action: 42 USC 1983**

28 141. We assert every other paragraph of this complaint into every cause of action.

142. In committing the acts described herein all defendants subjected me and Karla, my Mom, to
deprivation of our rights, privileges, and immunities secured by the U.S. Constitution and the Iowa
constitution and the laws made thereunder.

143. All Defendants acted under color of statutes, ordinances, regulations, customs, and/ or usage, of the
state of Iowa, City of Davenport, and county and other laws and regulations.

144. All defendants are liable to us in this action at law, suit in equity, and/ or other proper proceeding for
redress - whatever you want to call it; the law respects substance more than form.

1 145. We demand redress.

2 **12th cause of action: Conspiracy to violate my civil rights 42 USC 1985**

3 146. I saw a Caucasian hand reach in and grab my papers.

4 147. Complaining about a judge for mental disability/misconduct is done under USC 28 sec.372.

5 148. These complaints had peoples names typed on them but were not yet signed by them.

6 149. The statutes for judicial misconduct are written in those letters.

7 150. I was writing them for other people and then they were signing them.

8 151. This is good old American grass roots petitioning.

9 152. I was also leafleting with these letters.

10 153. Hegland and associates then attempted unsuccessfully to browbeat me into giving up my right to remain silent.

11 154. When I refused to speak they handcuffed me.

12 155. They cuffed my hands behind me and made me sit on them in the crowded back of the squad car.

13 156. As usual my circulation became impaired by the handcuffs as I sat on them behind my back.

14 157. They and put me into the back of a badly designed squad car.

15 158. All defendants conspired to deprive me of my rights.

16 Title 42, Section 1985 Paragraph "2) Obstructing justice; intimidating party, witness, or juror
17 If two or more persons in any State or Territory conspire to deter, by force, intimidation, or
18 threat, any party or witness in any court of the United States from attending such court, or
19 from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party
20 or witness in his person or property on account of his having so attended or testified,

21 or to influence the verdict, presentment, or indictment of any grand or petit juror in any such
22 court, or to injure such juror in his person or property on account of any verdict, presentment,
23 or indictment lawfully assented to by him, or of his being or having been such juror;

24 or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or
25 defeating, in any manner, the due course of justice in any State or Territory, with intent to
26 deny to any citizen the equal protection of the laws,

27 **or to injure him or his property for lawfully enforcing, or attempting to
28 enforce, the right of any person, or class of persons, to the equal
protection of the laws;**

(3) Depriving persons of rights or privileges **If two or more persons in any State
or Territory conspire or go in disguise on the highway or on the
premises of another, for the purpose of depriving, either directly or
indirectly, any person or class of persons of the equal protection of the
laws, or of equal privileges and immunities under the laws;**

or for the purpose of preventing or hindering the constituted authorities of any State or
Territory from giving or securing to all persons within such State or Territory the equal
protection of the laws;

or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who

1 is lawfully entitled to vote, **from giving his support or advocacy in a legal manner**, toward
2 or in favor of the election of any lawfully qualified person as an elector for President or Vice
President, or as a **Member of Congress** of the United States;

3 or to injure any citizen in person or property on account of such support or advocacy; in any
4 case of conspiracy set forth in this section, if one or more persons engaged therein do, or
5 cause to be done, any act in furtherance of the object of such conspiracy, whereby another
6 is injured in his person or property, or deprived of having and exercising any right or privilege
of a citizen of the United States, the party so injured or deprived may have an action for the
recovery of damages occasioned by such injury or deprivation, against any one or more of
the conspirators”

7 159. All defendants conspired to injure me for exercising my right to remain silent.

8 160. They scorned me and denied me my telephone call.

9 161. They harassed me by threatening to deny me access to the courts and appearance before a
magistrate.

10 162. They continue to injure me by depriving me of access to my Pontiac.

11 163. They continue to injure me by depriving my Mom of access to her Dodge Caravan.

12 164. Hegland and his conspirators did this in retaliation for my having exercised a constitutional right.

13 165. I am entitled to redress under section 1985 for this and other reasons as seen in the text of the
statute.

14 166. **After stopping me for no seat belt – they fail to fasten my seat belt**

15 167. Having arrested me for not wearing a seatbelt they transported me without clicking my seat belt.

16 168. I suspect that they themselves were not wearing seatbelts.

17 **They took my Mom’s Pontiac Parisienne; I was innocent. They should have returned it.**

18 169. I had been driving my Mom’s car.

19 170. They took my Mom’s car without any hearing.

20 171. Based on information and belief they sold it and kept the booty.

21 172. Douglas Palaschak called defendant tow company contemporaneously.

22 173. They told him that the police came and filled out some papers to take the car.

23 174. They can’t do that.

24 175. It violates due process.

25 **This was our last car; it was exempt from levy and impoundment**

26 176. Throughout the United States you can’t take a persons last car!

27 177. And especially can you not take it for something somebody else did - and especially if the somebody
else is innocent.

28 **Memorandum of Authorities: Section 627.6 exempts one car. That car is exempt!**

178. I contend that an exempt car may not be impounded and disposed.

179. Iowa’s exemption law can be found as follows:

180. From Iowa statutes (as found on www.findlaw.com. Click on “cases and codes” Then click onto Iowa.

1 Then click onto "2001 merged codes". Then click onto "table of contents". Then look for section 627:

2 " 627.6 General exemptions. . . .

3 9. Any combination of the following, not to exceed a value of **five thousand dollars**
4 in the aggregate:

5 a. Musical instruments, not including radios, television sets, or record or tape playing
6 machines, held primarily for the personal, family, or household use of the debtor or
7 a dependent of the debtor.

8 b. **One motor vehicle."**

9 **13th cause of action: They took another car from us**

10 181. On 13 October, 2002 I observed a Davenport police employee near my Mom's car.

11 182. The car was near the intersection of Glasspell Street and Belmont Street in Davenport, Iowa.

12 183. My Mom's car is a 1992 Dodge Caravan.

13 184. The Davenport employee said to me "We gave your Mother extra time; we are towing her car"

14 185. Soon Fred's 66 towed my Mom's car away.

15 186. Today October 20, 2003, Davenport, Fred's 66 and their assignee's anc conspirators continue to
16 deprive me and Mom of the use of our car.

17 187. Conclusion: The could not lawfully take my Mom's car!

18 188. We demand a pre-trial return of all our property.

19 189. We demand a jury.

20 **14th Cause of Action: RICO**

21 **Scorning and deprivation of constitutional rights at Scott County Jail**

22 190. When I exercised my right to remain silent at that pretextual police stop, the Davenport police scorned
23 me and handcuffed me.

24 191. They took me to the Scott County jail.

25 192. They strip searched me for asserting my constitutional rights.

26 193. They denied me my right to telephone anybody.

27 194. The telephone in the jail cell was turned off.

28 195. The jailer employees of Scott County told me that they would give me not telephone call until I gave
up my right to remain silent.

196. They told me that they would not take me before a magistrate or judge until I gave up my right to
remain silent.

197. Police did this same this to Douglas Palaschak many years ago when he asserted his right to remain
silent.

198. Police kept me incommunicado.

199. The actions of the police defendants were without basis in law and constitute kidnaping and extortion.

Kidnaping and Extortion

- 200. The police had no right to arrest me; a ticket would have been sufficient.
- 201. The police around this country are out of control.
- 202. They do what they do to raise revenue.
- 203. They trample on our rights as described herein.
- 204. If they had no right to arrest me, then I contend it was kidnaping for the purpose of extorting money from me.
- 205. Extortion and kidnaping are predicate RICO crimes as shown in 18 USC 1961 appended hereto.
- 206. 1028 and 1341 of 18 USC are also candidates for predicate crimes.
- 207. The actions are an ongoing racketeering enterprise directed against any body in the city.
- 208. The purpose is to steal from one class and give to the other class consisting of city employees.

Prayer

Wherefore Plaintiffs pray as follows:

- 209. For the remedy of replevin.
- 210. Immediate access to our 2 automobiles and trailer pending the outcome of this case.
- 211. For compensatory damages of \$1,000,000.
- 212. For exemplary damages of \$3,000,000.
- 213. For RICO damages pursuant to statute.
- 214. For such other relief as the court may deem appropriate.

Signed _____ Plaintiff Steve Bloomer July 17, 2003

Signed _____ Plaintiff Karla Harsen Jul 17, 2003

1 **Exhibits**

2 **Proof of attempt to resolve this. Proof of warning of lawsuit.**

3 I, Douglas Palaschak, declare the following under penalty of perjury: On Monday morning 28 October,
4 2002 at 1 a.m. Iowa time I telephoned Fred's 66 Towing, 7627 Northwest Blvd., Davenport Iowa, telephone
5 563 391 9666. I informed them that Steve Bloomer would be asking for immediate return of his 1985 Pontiac
6 Parisienne at a court hearing at 10:30 a.m. on Halloween, 31 October, 2002. The woman on the phone
7 said that the car had been "released to the city on 10-17." She said that they had a sale.

8 I called back. She told me her fax number is 563 391 1047. Thereafter I faxed document #5576
9 version 1 or 1.1 to her at about 2 a.m. Iowa time. Thereafter I amended this paper to include the code section
10 that sets forth the Iowa exemption for one's car.

11 _____ October 27, 2002. 1:15 a.m.
12 Douglas Palaschak

13 **Declaration of Douglas Palaschak regarding demand and warning to the Tow Company**

14 I, Douglas Palaschak, declare under penalty of perjury that I warned the folks from the tow company in writing
15 as follows in a cross complaint in traffic court. No action was ever taken in our cross complaint in traffic court
16 as follows:

17 **"Complaint for Money Civil Complaint for Money Damages, Punitive Damages, Declaratory and**
18 **Injunctive Relief under 42 USC 1983 et seq.**

- 19 1. Davenport Police, Employee Hegland, Unnamed employees, Fred's 66 Towing, employees there, and
- 20 2. Davenport City Corporation conspired to deprive me of my car and my legal papers.
- 21 3. This was my only car.
- 22 4. They did this on 28 August 2002 in Davenport.
- 23 5. I now ride my bicycle to work over the Illinois river bridge.
- 24 6. I ride home at night; it is dangerous and cold.
- 25 7. You cannot lawfully take my property without a hearing and cause.
- 26 8. It is Draconian to take my only transportation and endanger my life for my inadvertent failure to wear
27 a seatbelt.
- 28 9. I demand that you provide me with a car immediately to mitigate the damages.
- 10 10. Do the right thing.
- 11 11. If you give me a substitute car before November 5 at 5 pm I will not seek punitive damages.
- 12 12. I expect the city to pay me for missed work.
- 13 13. On the 6th I will file in federal court.
- 14 14. Bankruptcy exemptions forbid you to take my last car.
- 15 15. Debtor exemptions forbid you to take my last car.
- 16 16. Find the car and get it back to me.

16. Fred, this is your chance to avoid a lawsuit.”

Declaration of Attorney Douglas Palaschak regarding legal papers taken by police.

I, Douglas Palaschak, declare the following under penalty of perjury: Some days or weeks ago (I have the exact date in my diary) I telephoned the Davenport police. I inquired about some legal papers that Steve saw being snatched from his dashboard by Davenport police after they stopped him for not wearing his seatbelt. Eventually the property officer informed me that they had no property in evidence from that traffic case.

Declaration of Attorney Palaschak: Steve’s car is exempt from levy

I, Douglas Palaschak, declare the following under penalty of perjury: I am a lawyer with 18 years of experience. I have never been licensed in Iowa. Most of my work is in the area of bankruptcy and civil liberties. I was a civil libertarian before I went to law school.

We are slowly become a more fair society by following the constitution. Under *Bell v Burson*, circa 1971 you cannot take a person’s property or liberty without Due Process of Law. Davenport Police and Fred’s Towing violated Steve’s constitutional rights. What is the remedy?

Under bankruptcy law the court can recapture assets.

Under the exemption laws in most states - and specifically in Iowa - you cannot take a persons last car.

The right thing to do here is track down that car and give it back to Steve or his Mom. Then sue whoever for any impound fees. I know that is not what you have been told - but for 200 years oppression reigned. Those days are over. Do the right thing. The kid forgot to put on his seat belt fer God’s sake! You made the same mistake. Taking his Mom’s car is excessive! Who takes the cars from the policemen who don’t buckle up? Why is it that every law is enforced by giving booty to the police?

Appendix: RICO list of predicate crimes: 18 USC 1961

Section 1961. Definitions: As used in this chapter - (1) "racketeering activity" means

(A) any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year;

(B) any act which is indictable under any of the following provisions of title 18, United States Code:

Section 201 (relating to bribery),

section 224 (relating to sports bribery),

sections 471, 472, and 473 (relating to counterfeiting),

section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious,

1 section 664 (relating to embezzlement from pension and welfare funds),
2 sections 891-894 (relating to extortionate credit transactions),
3 section 1028 (relating to fraud and related activity in connection with identification documents),
4 section 1029 (relating to fraud and related activity in connection with access devices),
5 section 1084 (relating to the transmission of gambling information),
6 section 1341 (relating to mail fraud),
7 section 1343 (relating to wire fraud),
8 section 1344 (relating to financial institution fraud),
9 section 1425 (relating to the procurement of citizenship or nationalization unlawfully),
10 section 1426 (relating to the reproduction of naturalization or citizenship papers),
11 section 1427 (relating to the sale of naturalization or citizenship papers),
12 sections 1461-1465 (relating to obscene matter),
13 section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal
14 investigations),
15 section 1511 (relating to the obstruction of State or local law enforcement),
16 section 1512 (relating to tampering with a witness, victim, or an informant),
17 **section 1513 (relating to retaliating against a witness, victim, or an informant),**
18 section 1542 (relating to false statement in application and use of passport),
19 section 1543 (relating to forgery or false use of passport),
20 section 1544 (relating to misuse of passport),
21 section 1546 (relating to fraud and misuse of visas, permits, and other documents),
22 sections 1581-1588 (relating to peonage and slavery),
23 section 1951 (relating to interference with commerce, robbery, or extortion),
24 section 1952 (relating to racketeering),
25 section 1953 (relating to interstate transportation of wagering paraphernalia),
26 section 1954 (relating to unlawful welfare fund payments),
27 section 1955 (relating to the prohibition of illegal gambling businesses),
28 section 1956 (relating to the laundering of monetary instruments),
section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful
activity),
section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire),
sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children),
sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles),
sections 2314 and 2315 (relating to interstate transportation of stolen property),

1 section 2318 (relating to trafficking in counterfeit labels for phono records, computer programs or computer
2 program documentation or packaging and copies of motion pictures or other audiovisual works),
3 section 2319 (relating to criminal infringement of a copyright),
4 section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of
5 live musical performances),
6 section 2320 (relating to trafficking in goods or services bearing counterfeit marks),
7 section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),
8 sections 2341-2346 (relating to trafficking in contraband cigarettes),
9 sections 2421-24 (relating to white slave traffic),
10 (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on
11 payments and loans to labor organizations) or
12 section 501(c) (relating to embezzlement from union funds),
13 (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this
14 title),
15 fraud in the sale of securities, or
16 the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a
17 controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act),
18 punishable under any law of the United States,
19 (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act,
20 (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in
21 and harboring certain aliens),
22 section 277 (relating to aiding or assisting certain aliens to enter the United States), or
23 section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of
24 such Act was committed for the purpose of financial gain, or
25 (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B);
26 (2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico,
27 any territory or possession of the United States, any political subdivision, or any department, agency,
28 or instrumentality thereof;
(3) "person" includes any individual or entity capable of holding a legal or beneficial interest in property;
(4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any
union or group of individuals associated in fact although not a legal entity;
(5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred
after the effective date of this chapter and the last of which occurred within ten years (excluding any
period of imprisonment) after the commission of a prior act of racketeering activity;