

HYPOTHETICAL FEDERAL CIVIL COMPLAINT

Educational Disclaimer: This is a hypothetical legal-learning exercise. All facts are assumed for purposes of legal study only, are acknowledged to be unsupported by the public record, improbable, and unbelievable. No factual assertion is made about any person, court, or institution. This complaint is illustrative of how federal civil complaints are structured and argued. It is not legal advice and was not filed in any court.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JANE DOE, JOURNALIST J, and CITIZENS FOR CONSTITUTIONAL ACCOUNTABILITY,

Plaintiffs,

v.

JUDGE A— (in her individual capacity), ACTING ATTORNEY GENERAL, DEPARTMENT OF JUSTICE, and DOES 1-50,

Defendants.

Case No.: 1:26-cv-00001 (hypothetical)

JURY TRIAL DEMANDED

NATURE OF THE ACTION

- This is a civil action for declaratory and injunctive relief, damages, and equitable remedies arising from the unconstitutional sealing of government records by a federal judge who had a direct personal stake in the information being sealed. The sealing orders at issue were issued in violation of the First Amendment, the Fifth Amendment Due Process Clause, the right to exculpatory evidence under *Brady v. Maryland*, and the federal whistleblower protection statutes.
- Plaintiffs seek: (a) a declaratory judgment that the sealing orders are void *ab initio*; (b) injunctive relief ordering the unsealing of all records; (c) a referral to the Judicial Council under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364; (d) damages for constitutional violations committed under color of law; and (e) such other relief as the Court deems just and proper.
- This action also raises a question of first impression: whether a federal judge who seals evidence of her own potential constitutional disqualification — and who does so while adjudicating her own legitimacy — has acted "in the clear absence of all jurisdiction" such that judicial immunity does not attach (*Stump v. Sparkman*, 435 U.S. 349 (1978)).

PARTIES, JURISDICTION, AND VENUE

Plaintiffs

1. **Plaintiff Jane Doe** is a natural person residing in the State of California. She is an Epstein victim who was wrongfully prosecuted using Brady evidence that Defendant Judge A— sealed. She brings claims under the Fifth and Fourteenth Amendments for deprivation of due process, under *Brady v. Maryland* for suppression of exculpatory evidence, and for damages resulting from the wrongful prosecution.
2. **Plaintiff Journalist J** is a natural person and a professional journalist residing in the District of Columbia. Journalist J independently obtained and published information from the sealed records before the permanent sealing order was issued. Journalist J brings claims under the First Amendment for unconstitutional prior restraint and for declaratory relief that the sealing orders cannot bind non-parties.
3. **Plaintiff Citizens for Constitutional Accountability ("Citizens")** is a nonprofit organization incorporated in the District of Columbia, dedicated to advancing constitutional accountability and the rule of law. Citizens brings claims for declaratory and injunctive relief on behalf of its members and the public interest.

Defendants

1. **Defendant Judge A—** is a United States District Judge for the Southern District of Florida, appointed by the President of the United States. She is sued in her **individual capacity** for acts committed outside the scope of judicial immunity — specifically, for issuing sealing orders in the clear absence of all jurisdiction, as described herein. She is also referenced in her **official capacity** for purposes of the declaratory and injunctive relief sought.
2. **Defendant Acting Attorney General** is the head of the U.S. Department of Justice. The Acting AG is sued in her official capacity for the DOJ's failure to disclose Brady evidence, failure to act on a protected whistleblower disclosure, and selective enforcement of the sealing orders.
3. **Defendant Department of Justice** is an executive department of the United States government. The DOJ is sued for the conduct of its officials in suppressing Brady evidence, retaliating against a whistleblower, and cooperating in the unconstitutional sealing of records Congress lawfully demanded.
4. **Defendants Does 1–50** are individuals and entities whose identities are unknown at the time of filing but who participated in the sealing of records, the suppression of Brady evidence, the retaliation against whistleblowers, or the obstruction of Congress. Plaintiffs will identify and substitute the true names of Doe defendants when ascertained.

Jurisdiction

1. This Court has jurisdiction under:
 - **28 U.S.C. § 1331** (federal question — claims arising under the U.S. Constitution and federal statutes);
 - **28 U.S.C. § 1346** (certain actions against the United States);
 - **28 U.S.C. § 2201** (Declaratory Judgment Act);
 - **28 U.S.C. § 1361** (mandamus — to compel a federal officer to perform a duty);
 - The First, Fifth, and Fourteenth Amendments to the U.S. Constitution.

Venue

1. Venue is proper under **28 U.S.C. § 1391(e)** because a substantial part of the events giving rise to the claims occurred in the District of Columbia, including the DOJ's failure to disclose Brady evidence, the DOJ's refusal to act on the whistleblower disclosure, and the obstruction of a congressional demand issued from the District.

STATEMENT OF FACTS

A. The Sealing Orders

1. On or about **January 21, 2025**, Defendant Judge A— issued an emergency injunction sealing Volume II of the Special Counsel's final report. On or about **February 23, 2026**, Defendant Judge A— issued a permanent injunction permanently sealing the report and related records.
2. The sealed records included, among other things:
 - (a) Evidence that Defendant Judge A—'s own appointment may have been constitutionally defective (de facto officer evidence);
 - (b) Exculpatory evidence (*Brady* material) relevant to ongoing and past criminal prosecutions, including the prosecution of Plaintiff Jane Doe;
 - (c) A whistleblower disclosure submitted to the DOJ before the sealing orders were issued, alleging that Defendant Judge A— and other federal officials were de facto officers;
 - (d) Evidence that another federal official may have been a de facto officer;
 - (e) Records that Congress had lawfully demanded before the sealing orders were issued.

B. The Personal Stake

1. At the time Defendant Judge A— issued the sealing orders, she had a direct personal interest in the information being sealed. Specifically:
 - The sealed records contained evidence that her own appointment may have been constitutionally defective;
 - If the evidence were disclosed, her prior rulings — including the sealing orders themselves — could be challenged as void under *Ryder v. United States*, 515 U.S. 177 (1995);
 - Defendant Judge A— knew or should have known that she was required to recuse under 28 U.S.C. § 455(a), (b)(1), (b)(4), and (b)(5)(iii);
 - Defendant Judge A— did not recuse.

C. The Brady Violation

1. Among the sealed records was exculpatory evidence relevant to the criminal prosecution of Plaintiff Jane Doe. This evidence was favorable to Jane Doe and material to her guilt and punishment. The suppression of this evidence violated *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972).
2. Defendant Judge A—'s sealing order prevented the prosecution from disclosing this evidence to Jane Doe's defense counsel. The DOJ knew of the Brady evidence but cited the sealing order as justification for non-disclosure.
3. Jane Doe was wrongfully prosecuted, defamed, and discredited using evidence that was obtained in violation of her constitutional right to due process. She suffered actual damages, including loss of liberty, reputational harm, and emotional distress.

D. The Whistleblower Disclosure

1. Before the sealing orders were issued, a federal employee submitted a protected whistleblower disclosure to the DOJ Office of Inspector General, alleging that Defendant Judge A— and other federal officials were de facto officers. This disclosure was protected under 5 U.S.C. § 2302(b)(8).

2. The whistleblower disclosure was among the records Defendant Judge A— sealed. By sealing the disclosure, Defendant Judge A— retaliated against the whistleblower in violation of 5 U.S.C. § 2302(b)(8) and obstructed the investigation of the disclosure.
3. The DOJ failed to act on the whistleblower disclosure. The DOJ's inaction constituted retaliation under 5 U.S.C. § 2302(b)(8) and violated the DOJ's own regulations governing whistleblower disclosures.

E. The Congressional Demand

1. Before the sealing orders were issued, the U.S. Congress issued a lawful subpoena for the sealed records. Congress's demand was issued pursuant to its Article I oversight and impeachment powers and sought information relevant to a legitimate legislative purpose.
2. Defendant Judge A— issued the sealing orders with the intent to prevent Congress from receiving the records. This obstruction of a congressional proceeding violated 18 U.S.C. § 1505.
3. The DOJ acquiesced in the sealing order rather than complying with the congressional subpoena, effectively participating in the obstruction of Congress.

F. The Prior Publication

1. Before the permanent sealing order was issued on February 23, 2026, Plaintiff Journalist J independently obtained and published information from the sealed records. Journalist J obtained the information through lawful means, independent of any coordination with the DOJ.
2. The permanent sealing order cannot retroactively prohibit Journalist J's prior publication. The order also cannot bind Journalist J as a non-party under Fed. R. Civ. P. 65(d), because Journalist J is not acting "in active concert or participation with" the DOJ.
3. Any attempt to enforce the sealing order against Journalist J would constitute an unconstitutional prior restraint under *Near v. Minnesota*, 283 U.S. 697 (1931), and *New York Times v. United States*, 403 U.S. 713 (1971).

CAUSES OF ACTION

COUNT I — Declaratory Judgment That the Sealing Orders Are Void

(28 U.S.C. § 2201; Fifth Amendment Due Process Clause; 28 U.S.C. § 455)

1. Plaintiffs incorporate all preceding paragraphs.
2. The sealing orders are void *ab initio* because:
 - (a) Defendant Judge A— violated *nemo iudex in causa sua* and 28 U.S.C. § 455(a), (b)(1), (b)(4), and (b)(5)(iii) by adjudicating a matter in which she had a direct personal stake;
 - (b) The failure to recuse constitutes a **structural due process violation** under the Fifth Amendment (*Tumey v. Ohio*, 273 U.S. 510 (1927); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009));
 - (c) Under *Ryder v. United States*, 515 U.S. 177 (1995), a timely challenge to the judge's appointment was made (the whistleblower disclosure), and the de facto officer doctrine does not save the orders;
 - (d) *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), holds that failure to recuse under § 455 is grounds for vacatur.
3. Plaintiffs seek a declaratory judgment that the sealing orders issued on January 21, 2025 and February 23, 2026 are void *ab initio* and of no legal effect.

COUNT II — Injunctive Relief: Order Unsealing All Records

(First Amendment; All Writs Act, 28 U.S.C. § 1651; 28 U.S.C. § 1361)

1. Plaintiffs incorporate all preceding paragraphs.
2. The continued sealing of the records constitutes an ongoing constitutional violation:
 - (a) As to Journalist J, the seal is an unconstitutional prior restraint (*Near v. Minnesota*);
 - (b) As to Jane Doe, the seal prevents disclosure of *Brady* evidence to which she has a constitutional right;
 - (c) As to Citizens and the public, the seal denies First Amendment and common-law rights of access to judicial records;
 - (d) As to Congress, the seal obstructs a lawful congressional demand (though Congress's enforcement of its own demand is addressed separately in the companion congressional testimony).
3. Plaintiffs seek a permanent injunction:
 - (a) Ordering the unsealing of all records subject to the void sealing orders;
 - (b) Enjoining Defendant DOJ from relying on the void sealing orders as a basis for withholding any records;
 - (c) Enjoining Defendant Judge A— from issuing any further orders in the underlying matter without first addressing the § 455 recusal question before a different judicial officer.

COUNT III — Deprivation of Constitutional Rights Under Color of Law (Bivens)

(Fifth Amendment Due Process Clause; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971))

1. Plaintiffs incorporate all preceding paragraphs.
2. Defendant Judge A—, acting under color of federal law, deprived Plaintiffs of their constitutional rights:
 - (a) As to Jane Doe: the right to due process, including the right to exculpatory evidence (*Brady v. Maryland*), the right to a fair trial before an impartial tribunal (*Tumey v. Ohio*), and the right not to be subjected to a prosecution using concealed exculpatory evidence;
 - (b) As to Journalist J: the right to freedom of speech and freedom of the press under the First Amendment;
 - (c) As to Citizens: the right of public access to judicial records under the First Amendment.
3. **Judicial immunity does not apply** because Defendant Judge A— acted "in the clear absence of all jurisdiction." *Stump v. Sparkman*, 435 U.S. 349, 357 (1978). A judge who adjudicates her own legitimacy — after a timely challenge has been made under *Ryder* — lacks jurisdiction over the proceeding. Her orders are void, and void orders are entered "in the clear absence of all jurisdiction."
4. Alternatively, even if judicial immunity applies to the sealing orders themselves, it does not apply to Defendant Judge A—'s extrajudicial conduct — including any coordination with DOJ officials to obstruct Congress, any retaliation against the whistleblower, or any conspiracy to conceal evidence of her own disqualification. Judicial immunity does not protect criminal or non-judicial conduct. *Mireles v. Waco*, 502 U.S. 9 (1991) (immunity extends to judicial acts, not all acts by judges).
5. Plaintiffs seek compensatory and punitive damages against Defendant Judge A— in her individual capacity.

COUNT IV — Brady Violation / Suppression of Exculpatory Evidence

(Fifth Amendment Due Process Clause; *Brady v. Maryland*; *Giglio v. United States*)

1. Plaintiffs incorporate all preceding paragraphs.
2. The sealed records contained exculpatory evidence favorable to Plaintiff Jane Doe and material to her guilt and punishment. This evidence was suppressed by the government — both by Defendant Judge A— (who sealed it) and by Defendant DOJ (which failed to disclose it).
3. The suppression of this evidence violated Jane Doe's right to due process under the Fifth Amendment. *Brady v. Maryland*, 373 U.S. 83 (1963); *Strickler v. Greene*, 527 U.S. 263 (1999); *Kyles v. Whitley*, 514 U.S. 419 (1994).
4. Jane Doe seeks:
 - (a) A declaration that the suppression of exculpatory evidence violated her constitutional rights;
 - (b) An order compelling the disclosure of all *Brady* material to Jane Doe and her counsel;
 - (c) Compensatory damages for the wrongful prosecution, including loss of liberty, reputational harm, and emotional distress;
 - (d) Punitive damages for the willful suppression of *Brady* evidence.

COUNT V — Whistleblower Retaliation

(5 U.S.C. § 2302(b)(8); 5 U.S.C. § 1221)

1. Plaintiffs incorporate all preceding paragraphs.
2. The whistleblower disclosure submitted to the DOJ before the sealing orders were issued was a protected disclosure under 5 U.S.C. § 2302(b)(8). The disclosure reported information that the whistleblower reasonably believed evidenced a violation of law — specifically, that federal officials were unconstitutionally appointed.
3. Defendant Judge A—'s sealing of the whistleblower disclosure constituted retaliation against the whistleblower for making a protected disclosure. 5 U.S.C. § 2302(b)(8) prohibits personnel actions against employees who make protected disclosures.
4. Defendant DOJ's failure to act on the whistleblower disclosure constituted retaliation and a violation of the DOJ's own whistleblower protection regulations.
5. Plaintiffs seek:
 - (a) A declaration that the sealing of the whistleblower disclosure constituted retaliation under 5 U.S.C. § 2302(b)(8);
 - (b) An order requiring the DOJ to investigate the whistleblower disclosure;
 - (c) An order requiring the DOJ to refer the disclosure to Congress under 5 U.S.C. § 1213(j);
 - (d) Such other relief as the Court deems appropriate.

COUNT VI — Quo Warranto

(D.C. Code §§ 16-3501 to 16-3510)

1. Plaintiffs incorporate all preceding paragraphs.
2. Under D.C. Code § 16-3501, an action in the nature of quo warranto may be brought against any person who "unlawfully holds or exercises any office or trust" within the District of Columbia. Under § 16-3510, such actions may be brought against officers of the federal government.

3. If Defendant Judge A— was not validly appointed under the Appointments Clause of Article II, Section 2, Clause 2, she unlawfully holds the office of United States District Judge.
4. Plaintiffs seek a declaration that Defendant Judge A— unlawfully holds her office and a writ of quo warranto ousting her from the office, subject to the procedural requirements of D.C. Code §§ 16-3502 and 16-3503 (including the requirement of AG consent or refusal for private relator actions).

COUNT VII — Prior Restraint / First Amendment

(First Amendment; 42 U.S.C. § 1983 analog via Bivens)

1. Plaintiffs incorporate all preceding paragraphs.
2. The sealing orders, as applied to Plaintiff Journalist J and other members of the press, constitute an unconstitutional prior restraint on speech and publication. *Near v. Minnesota*, 283 U.S. 697 (1931); *New York Times v. United States*, 403 U.S. 713 (1971).
3. Journalist J independently obtained and published information from the sealed records before the permanent sealing order was issued. The sealing order cannot retroactively prohibit this prior publication.
4. Under Fed. R. Civ. P. 65(d), the sealing order binds only the DOJ and those acting "in active concert or participation with" the DOJ. Journalist J is not acting in concert with the DOJ — Journalist J is acting independently.
5. Plaintiffs seek:
 - (a) A declaration that the sealing orders cannot bind Journalist J or any other non-party who independently obtained the information;
 - (b) An injunction prohibiting enforcement of the sealing orders against Journalist J or any other non-party;
 - (c) A declaration that any attempt to enforce the sealing order against non-parties would violate the First Amendment.

COUNT VIII — Obstruction of Congress

(18 U.S.C. § 1505; Declaratory Judgment)

1. Plaintiffs incorporate all preceding paragraphs.
 2. Congress lawfully demanded the sealed records before the sealing orders were issued. Defendant Judge A — issued the sealing orders with the intent to prevent Congress from receiving the records, in violation of 18 U.S.C. § 1505.
 3. While criminal prosecution under § 1505 is within the discretion of the DOJ, Plaintiffs seek a declaratory judgment that:
 - (a) The sealing orders constitute obstruction of a congressional proceeding under § 1505;
 - (b) The sealing orders are void as against Congress's constitutional authority to investigate;
 - (c) Congress has an independent constitutional right to the records that cannot be extinguished by a judicial sealing order. *McGrain v. Daugherty*, 273 U.S. 135 (1927); *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019 (2020).
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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, and grant the following relief:

A. Declaratory Relief

1. A declaratory judgment that the sealing orders issued on January 21, 2025 and February 23, 2026 are void *ab initio*;
2. A declaratory judgment that Defendant Judge A— violated 28 U.S.C. § 455 and the Due Process Clause by adjudicating a matter in which she had a personal stake;
3. A declaratory judgment that the sealing orders constitute an unconstitutional prior restraint under the First Amendment;
4. A declaratory judgment that the suppression of *Brady* evidence violated Plaintiff Jane Doe's constitutional rights;
5. A declaratory judgment that the sealing of the whistleblower disclosure constituted retaliation under 5 U.S.C. § 2302(b)(8);
6. A declaratory judgment that the sealing orders constitute obstruction of Congress under 18 U.S.C. § 1505.

B. Injunctive Relief 7. A permanent injunction ordering the unsealing of all records subject to the void sealing orders; 8. An injunction prohibiting Defendant DOJ from relying on the void sealing orders as a basis for withholding any records; 9. An injunction prohibiting enforcement of the sealing orders against Plaintiff Journalist J or any other non-party; 10. An order requiring Defendant DOJ to disclose all *Brady* material to Plaintiff Jane Doe and to all affected criminal defendants.

C. Equitable Relief 11. Referral of the matter to the Chief Judge of the relevant circuit Judicial Council under 28 U.S.C. § 351(b) for investigation of judicial misconduct; 12. Referral of the whistleblower disclosure to Congress under 5 U.S.C. § 1213(j); 13. An order requiring the DOJ to investigate the whistleblower disclosure.

D. Damages 14. Compensatory damages against Defendant Judge A— in her individual capacity for deprivation of constitutional rights under *Bivens*; 15. Punitive damages against Defendant Judge A— for willful violation of constitutional rights; 16. Compensatory damages to Plaintiff Jane Doe for wrongful prosecution, loss of liberty, reputational harm, and emotional distress.

E. Costs and Fees 17. Costs of this action, including attorney's fees under 42 U.S.C. § 1988 (if applicable), 5 U.S.C. § 1221(g) (whistleblower), and the Declaratory Judgment Act; 18. Such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable, including damages.

Respectfully submitted,

Counsel for Plaintiffs

Dated: August 28, 2026

Appendix A: Key Evidentiary Challenges in the Federal Complaint

Issue	Challenge	Plaintiffs' Response
Judicial immunity	Judge A— will claim absolute judicial immunity for all acts taken in her judicial capacity	Acts in "clear absence of all jurisdiction" are not protected (<i>Stump v. Sparkman</i>). A judge adjudicating her own legitimacy after a timely <i>Ryder</i> challenge lacks jurisdiction. Additionally, extrajudicial conduct (coordination with DOJ, retaliation) is not judicial conduct.
Standing	Defendants may challenge Plaintiffs' standing — particularly Citizens and Journalist J	Jane Doe has concrete injury (wrongful prosecution). Journalist J has First Amendment injury (prior restraint). Citizens has organizational standing (diversion of resources).
Quo warranto standing	D.C. Code § 16-3503 requires AG consent for private relator actions	Plaintiffs will request AG consent; if refused, will seek leave of court. Alternatively, may petition the AG directly.
Political question doctrine	Defendants may argue that disqualification of a judge is a nonjusticiable political question	The declaratory and injunctive claims (unsealing, vacatur) are justiciable. Quo warranto is a statutory remedy. Impeachment is nonjusticiable, but Plaintiffs do not seek impeachment — they seek a declaration that the orders are void.
Sovereign immunity	DOJ will assert sovereign immunity	Claims against DOJ officials in their official capacity seek injunctive relief, which is available under <i>Ex parte Young</i> , 209 U.S. 123 (1908). Claims against Judge A— in her individual capacity are not barred by sovereign immunity.
Brady standing	Defendants may argue that Brady rights belong to the defendant in the criminal case, not to a civil plaintiff	Jane Doe was the criminal defendant. She has standing to raise Brady violations. <i>Imbler v. Pachtman</i> , 424 U.S. 409 (1976) (prosecutorial immunity for Brady violations may not apply when a judge affirmatively seals the evidence).
Mootness	Defendants may argue the issue is moot if the case has concluded	The sealing orders are ongoing (permanent injunction). The <i>Brady</i> violation is ongoing (evidence still sealed). The whistleblower disclosure is still sealed. The congressional demand is still unfulfilled.

Appendix B: How the Federal Complaint Differs from the California Complaint

Dimension	Federal Complaint (this document)	California Complaint (companion document)
Court	U.S. District Court (D.D.C.)	California Superior Court / U.S. District Court (C.D. Cal.)
Primary jurisdictional basis	28 U.S.C. § 1331 (federal question); § 2201 (declaratory); § 1361 (mandamus); Bivens	CCP § 1060 (declaratory); CCP § 803 (quo warranto); Cal. Civ. Code § 52.1 (Bane Act); diversity or supplemental jurisdiction
Quo warranto authority	D.C. Code §§ 16-3501–16-3510 (federal quo warranto)	CCP § 803 (California quo warranto — requires AG consent)
Constitutional claims	Fifth Amendment (federal due process); First Amendment; Brady	Cal. Const. Art. I §1 (privacy/due process); Art. VII §8 (disqualification); Cal. Civ. Code § 52.1 (Bane Act)
Whistleblower statute	5 U.S.C. § 2302(b)(8) (federal WPA); 5 U.S.C. § 1221	Cal. Gov. Code § 8547.10 (state employees); § 53296 (local employees); Lab. Code § 1102.5 (all employees)
Brady claim	Direct Fifth Amendment claim under Bivens	§ 1983 if state actors involved; otherwise state tort claims (negligent infliction, intentional tort)
Disqualification of judge	D.C. quo warranto (federal officer); impeachment referral	CCP § 803 quo warranto (California officer); Cal. Const. Art. VI §18 (Commission on Judicial Performance)
Damages	Bivens damages; § 1988 fees	State tort damages; § 52.1 civil penalty; § 1983 if in federal court

Dimension	Federal Complaint (this document)	California Complaint (companion document)
Judicial immunity	Stump "clear absence of all jurisdiction" exception	Same federal standard applies; plus Cal. Civ. Code § 47(b) privilege analysis
Key California-only tools	None	Bane Act (§ 52.1); Public Records Act (§ 6253); Commission on Judicial Performance; Cal. Gov. Code § 1021 disqualification

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