

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

UNITED STATES OF AMERICA, EX REL.  
BOBBY KNIGHT,

Relator,

v.

DEPARTMENT OF HOMELAND SECURITY,  
Secretary Jeh Charles Johnson Officially ; and  
United States Coast Guard, Admiral Robert J. Papp, Jr.  
(Officially)(Retired) and his successor(s);  
Chenega Security , Inc.; and Atlantic Electric, LLC., &  
Legrande Richardson, Michael Richardson Individuals.

Defendants.

OFFICE of the GOVERNOR, South Carolina, Niki R. Haley,  
in her Official SC Capacity where applicable;  
and, SOUTH CAROLINA STATE DEPARTMENT OF  
LABOR LICENSING & REGULATION, AS CONTRACTOR'S  
LICENSING BOARD: Legrande Richardson Jr., Lewis M.  
Caswell, James E. Lady, Daniel B. Lehman, Kimberly L.  
Lineberger, Bill Neely, Jamie C. Patterson, W. Franklin  
Walker; (each board member in their Individual capacities)

Defendants.

George "Skip" Aldrich, Individual, DHS-USCG CHAS; &  
John Thorpe, CHENEGA Security, Road Supervisor, Inc.,  
& Michael Glazier, Individual, DHS-FLETC CHAS .

Defendants.

( UNDER SEAL )  
QUI TAM  
SECOND AMENDED

FIRST MEMORANDUM  
& SECOND COMPLAINT

C/A No. 2:15-cv-03199 DCN

JURY DEMAND

USA GENERAL § 600.1 SPECIAL COUNSEL  
FEDERAL QUESTION - FCA PRO SE §3730(h)  
EVIDENTIARY HEARING - TOWNSEND ET AL  
WRIT OF MANDAMUS - J.GERGEL ORDER  
INJUNCTIVE RELIEF - PERMANENT- 3730(h)  
DECLARATORY JUDGMENT - QUI TAM FCA  
SHERMAN ANTI TRUST ACT - SCLLR  
FEDERAL TORT CLAIMS ACT  
PROSPECTIVE RELIEF  
42 U.S. C. § 1983 DEPRIVATIONS, and  
42 U.S.C. § 1985 COLOR OF LAW -- SCLLR  
LAW vs ADMIN. POLICY - DHS OBSTRUCTION

SECOND AMENDED COMPLAINT & MEMORANDA (UNDER SEAL) ...

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

UNITED STATES OF AMERICA, EX REL.	]	( UNDER SEAL)
BOBBY KNIGHT,	]	QUI TAM
	]	<b>FIRST AMENDED</b>
	]	<b>MEMORANDUM</b>
Relator,	]	<b>&amp; COMPLAINT</b>
v.	]	
	]	C/A No. 2:15-cv-03199 DCN MGB
DEPARTMENT OF HOMELAND SECURITY,	]	
Secretary Jeh Charles Johnson ; and United States Coast	]	JURY DEMAND
Guard, Admiral Robert J. Papp, Jr. ; and	]	
Chenega Security , Inc.; and Atlantic Electric, LLC., &	]	
Legrande Richardson, Michael Richardson (individually).	]	
Defendants.		

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UNITED STATES OF AMERICA, EX REL.	]	( UNDER SEAL)
BOBBY KNIGHT,	]	QUI TAM
	]	<b>FIRST AMENDED</b>
	]	<b>MEMORANDUM</b>
Relator,	]	<b>&amp; COMPLAINT</b>
v.	]	
	]	C/A No. 2:15-cv-03199 DCN MGB
SOUTH CAROLINA STATE DEPARTMENT OF	]	
LABOR LICENSING & REGULATION, AS CONTRACTOR'S	]	
LICENSING BOARD: Legrande Richardson Jr., Lewis M.	]	
Caswell, James E. Lady, Daniel B. Lehman, Kimberly L.	]	
Lineberger, Bill Neely, Jamie C. Patterson, W. Franklin	]	
Walker; ( each board member in their Official capacities)	]	
Defendants.		

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**COMPLAINT AMENDMENT IS CONTINUED PER ORDER OF THE COURT, MAY 19, 2016**

**STATEMENT OF CASE:  
ORDERED BY MGST JUDGE MARY G. BAKER;  
HEARING MAY 19, 2016  
THE SECOND AMENDED COMPLAINT**

TO THE DEFENDANTS NAMED ABOVE, TAKE NOTICE OF THIS COMPLAINT AGAINST YOU pursuant to the Constitutions and the Laws of these United States of America and the State of South Carolina and the Common Laws and the Rules of this United States District Court . . . this is the SECOND AMENDED COMPLAINT:

**JURISDICTION**

*( restated & updated )*

**31 U.S.C. § 3730(b) Retaliation - Whistleblower Protection**

**28 U.S.C. §1332 District Courts Original Jurisdiction**

**28 U.S.C. § 1346 United States as a Defendant**

**VENUE**

*( restated & updated )*

**28 U.S.C. §1391**

**PARTIES**

*( restated & updated )*

- Plaintiff, Bobby Knight, *(restated)*.
- Defendants at First Amended , *(restated)*.

*(updated)* ( **Second Amended Complaint** )

- Defendant **Jeh Johnson** is sued in his official capacity as Secretary of DHS. In this capacity, he directs each component agencies within DHS, including the United States Coast Guard (hereinafter known as DHS-USCG) and the Federal Law Enforcement Agency ( hereinafter known as FLETC.)
- Defendant **Niki R. Haley** is sued in her official capacity as Governor of South Carolina. In this capacity, . Gov. Haley has been the State Official at all times pertinent to this DISPUTE and a SC resident at all times pertinent to this contract,

she appoints members to the SC LLR Contractors License Board and after or during this DISPUTE. Gov Haley appointed Defendant LeGrande Richardson, an owner of Defendant Atlantic Electric, LLC. Defendant LeGrande Richardson on or about February 16, 2011 admitted to Lt Davis of Defendant Chenega Security, Inc. to the theft of 3000+ pound of copper from this DHS-USCG Government Contract AWARDED to the Plaintiff. This was likely before his appointment.

- Defendant **George "Skip" Aldrich** is sued in his official and individual capacity and is the Federal Employee at FLETC DHS-USCG CHAS SECTOR. and the Facility Director for NESU and USCG CHAS SECTOR. He is a resident of South Carolina at all times pertinent to this contract.
- Defendant **John Thorpe** is sued in his official and individual capacity and was/is the road supervisor over Lt Davis for Chenega Security, Inc. contracted at FLETC CHAS SC for services at FLETC-CHAS . A SC resident at all times pertinent to this contract.
- Defendant **Michael Glazier** is sued in his official and individual capacity and was/is the manager of DHS-FLETC at CHAS a SC resident t all times pertinent to this contract.

**COUNT I** -- continued from: ( *restated & updated* )

**FIRST AMENDED COMPLAINT & MEMORANDA (UNDER SEAL)**

1. The Plaintiff restates verbatim the original **Memorandum and Complaint** as are his claims under the FALSE CLAIMS ACT ( FCA) and files in continuance his **FIRST AMENDED COMPLAINT & MEMORANDA (UNDER SEAL)**.

a. The FIRST AMENDED pleading restates verbatim as filed as **COUNT I**; and **COUNT II** adds 42 U.S.C. §1983 and §1985 for Defendants originally captioned as;

DEPARTMENT OF HOMELAND SECURITY,  
Secretary Jeh Charles Johnson Officially ; and  
United States Coast Guard, Admiral Robert J. Papp, Jr.  
(Officially) (Retired) and his successor(s); and Chenega Security ,  
Inc.; and Atlantic Electric, LLC., & Legrande Richardson, Michael  
Richardson Individuals

Defendants.

b. and **COUNT III** adds 42 U.S.C. §1983 and §1985(3) for the SC LLR CLB & Board Members:

OFFICE of the GOVERNOR, South Carolina, Niki R. Haley,  
in her Official SC Capacity. applicable COUNTS ;  
and, SOUTH CAROLINA STATE DEPARTMENT OF  
LABOR LICENSING & REGULATION, AS CONTRACTOR'S  
LICENSING BOARD: Legrande Richardson Jr., Lewis M.  
Caswell, James E. Lady, Daniel B. Lehman, Kimberly L.  
Lineberger, Bill Neely, Jamie C. Patterson, W. Franklin  
Walker; (each board member in their Individual capacities)

Defendants.

George "Skip" Aldrich, Individual, DHS-USCG CHAS; &  
John Thorpe, Individual, CHENEGA Security, Road Supervisor, Inc., &  
Michael Glazier, Individual, DHS-FLETC CHAS .

Defendants.

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and,

**COUNT II** -- continued from: ( *restated & updated* )

**FIRST AMENDED CLAIM MEMORANDUM & COMPLAINT (UNDER SEAL)**

2. The Plaintiff amends adding civil rights deprivations of both 42 U.S.C. §1983 and §1985(3);
3. The Jurisdiction and Venue are repeated for 31 U.S.C. § 3730(h). Harassments and Retaliation against Whistleblowers'. AND for 42 U.S.C. §1983 & §1985(3). Civil Rights.
4. A False Claims Act retaliation case can include whistleblower claims and other legal claims based upon other state and federal laws, and a claim for retaliation and damages may be brought in this federal court.
5. This typical Standard of Review; First, the Plaintiff has, can and will and has establish(ed) a "claim for retaliation", the whistleblower has engaged in conduct protected by the False Claims Act. Second, the U.S. Courts require a showing that the defendants have/has/had some notice of the protected conduct that the whistleblower was either taking action in furtherance of a qui tam action, or assisting in an investigation or actions brought by the government. Especially, Defendant Legrande Richardson Jr. had his knowledge since February 2011 and March 2011. *The protection against retaliation and harrasement extends to whistleblowers whose allegations could legitimately support a False Claims Act case even if the case is never filed.* It's alleged harassment or threat was in retaliation for the furtherance of protected activities. and

**COUNT III** -- continued from: ( *restated & updated* )

**FIRST AMENDED CLAIM MEMORANDUM & COMPLAINT (UNDER SEAL)**

6. The State of South Carolina as shown captioned #2 above, newly defined Parties; does not have an Eleventh Amendment Immunity defense under the Federal Sovereignty at 42 U.S.C. Finally, this Plaintiff (also shown above at COUNT I and COUNT II at caption #1 Whistleblower) as also a Citizen of South Carolina and the United States of America will

and can show that the S.C. State's Disciplinary Action<sup>1</sup> violates his protections otherwise afforded by 42 U.S.C. §1983 and §1985(3); and

7. The Plaintiff learned that Defendant Legrand Richardson Jr was appointed by the SC Governor to the Contractor's Licensing Board after the filing of the QUI TAM claim, memorandum and complaint; thus triggering this FIRST AMENDED pleading; and
8. **Color of Law** civil actions against state boards and officers ensures their compliance with all federal laws; and
9. Since filing of the QUI TAM and the events which were ripe for [I]ts filing, the South Carolina Contractor's Board has now begun a Disciplinary Action, based upon an "*anonymous complaint*" against Plaintiff Knight and has been ordered to appear on January 21, 2016 before the Contractor's Board: *See Exhibit State Letter's--2each attached.*

- a. the SC Board Members, has in so doing, designed to deprive the Plaintiff of his livelihood and place in society about attacks against two (2) grandfathered South Carolina General and Mechanical Licenses directly caused or referenced is the a USDC Court Order that as was obtained by a falsity to the USDC that would/should/could not have been awarded applicable to the **Clean Hands Doctrine** -- save for the false data that was deceptively hidden and withheld by the caption #1 Defendants and Legrande Richardson, {e.g. Richardson's "stolen copper admission and the embezzlement".}

- i. This [Order] being used by the State Board was **plead and exhibited** in the QUI TAM Memorandum at **COUNT I and COUNT II** captioned #1 above: [It] as being fraudulently obtained, only because the FLETC Federal Investigation Report for the Defendant's collusion and civil conspiracy was hidden from the USDC Judge Gergel about the

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<sup>1</sup> **SC LLR IS BOTH AN ADMINISTRATIVE LAW TRIBUNAL AND A CRIMINAL CHARGE HAD BEEN INSTIGATED ON OR ABOUT JANUARY 5, 2015.** It's Board is appointed by the SC Governor. The members are State Regulators AND contracting business competitors. Misuses of powers have created a Sherman Anti-Trust Violations and Abuses of Power against the Public and Pit-Knight. Oddly suspect too, is that the USCG CQ took actions on this same date.

Defendants' copper theft admission to Lt Davis of FLETEC – a Chenega Supervising Security Officer until 6+ months after the [ the Order]

- ii. AND that Defendants embezzlement of government property [the crane use photo]; US government crane service(s) and government personnel (who worked directly for these Defendants in breach of the Prime Contract PRIVACY) creating Improper Business Practices about the United States of America of whom the Plaintiff was the victimized Prime Contractor.

and

COUNT IV ( continued )

THREE (3) 28 C.F.R. §600 SPECIAL COUNSEL APPOINTMENTS

10. THE PLAINTIFF, BOBBY KNIGHT, IS SEEKING INITIALLY, THAT THE USDC CHARLESTON DIVISION, JUDGE TO ORDER AND ENJOIN THE UNITED STATES ATTORNEY GENERAL HON. LORETTA LYNCH TO RESPOND 28 CFR §600.1 <sup>2</sup> & <sup>3</sup> APPOINTMENT OF THREE(3) SPECIAL COUNSELS<sup>4</sup>; And enjoin the State Officials . . .<sup>5</sup>

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**2 28 CFR 600.1** - Grounds for appointing a Special Counsel.

**§ 600.1 Grounds for appointing a Special Counsel.**

The Attorney General, or in cases in which the Attorney General is recused, the Acting Attorney General, will appoint a Special Counsel when he or she determines that criminal investigation of a person or matter is warranted and—

**(a)** That investigation or prosecution of that person or matter by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department or other extraordinary circumstances; and

**(b)** That under the circumstances, it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter.

<sup>2</sup> 28 CFR § 600.4 Jurisdiction.

**(a) Original jurisdiction.** The jurisdiction of a Special Counsel shall be established by the Attorney General. The Special Counsel will be provided with a specific factual statement of the matter to be investigated. The jurisdiction of a Special Counsel shall also include the authority to investigate and prosecute federal crimes committed in the course of, and with intent to interfere with, the Special Counsel's investigation, such as perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses; and to conduct appeals arising out of the matter being investigated and/or prosecuted.

**(b) Additional jurisdiction.** If in the course of his or her investigation the Special Counsel concludes that additional jurisdiction beyond that specified in his or her original jurisdiction

11. PLAINTIFF KNIGHT DID NOT CAUSE THE USA's PATTERN OF BEHAVIOR, ROUTINE HABIT AND PRACTICES, ETC. TO BECOME SUBJECT TO BEING NAMED BOTH A PLAINTIFF EX REL AND A DEFENDANT IN THE SAME CASE CAPTION, TO AVOID CONFLICT OF INTERESTS TO THE AMERICAN PEOPLE, THREE (3 EA) UNITED STATES ATTORNEY's SPECIAL COUNSELS ARE REQUIRED IN THE BEST INTEREST OF JUSTICE AND THE AMERICAN PEOPLE, OWNERS OF THE DHS-USCG PEIR PAPA CONTRACT.

- i. A SPECIAL COUNSEL PROSECUTOR FOR USA(1): THIS QUI TAM ACTION; ( the USA is a reluctant Plaintiff )

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is necessary in order to fully investigate and resolve the matters assigned, or to investigate new matters that come to light in the course of his or her investigation, he or she shall consult with the Attorney General, who will determine whether to include the additional matters within the Special Counsel's jurisdiction or assign them elsewhere.

**(c) Civil and administrative jurisdiction.** If in the course of his or her investigation the Special Counsel determines that administrative remedies, civil sanctions or other governmental action outside the criminal justice system might be appropriate, he or she shall consult with the Attorney General with respect to the appropriate component to take any necessary action. A Special Counsel shall not have civil or administrative authority unless specifically granted such jurisdiction by the Attorney General.

#### 4 28 CFR 600.3 - Qualifications of the Special Counsel.

##### § 600.3 Qualifications of the Special Counsel.

**(a)** An individual named as Special Counsel shall be a lawyer with a reputation for integrity and impartial decision making, and with appropriate experience to ensure both that the investigation will be conducted ably, expeditiously and thoroughly, and that investigative and prosecutorial decisions will be supported by an informed understanding of the criminal law and Department of Justice policies. The Special Counsel shall be selected from outside the United States Government. Special Counsels shall agree that their responsibilities as Special Counsel shall take first precedence in their professional lives, and that it may be necessary to devote their full time to the investigation, depending on its complexity and the stage of the investigation.

**(b)** The Attorney General shall consult with the Assistant Attorney General for Administration to ensure an appropriate method of appointment, and to ensure that a Special Counsel undergoes an appropriate background investigation and a detailed review of ethics and conflicts of interest issues. **A Special Counsel shall be appointed as a "confidential employee" as defined in 5 U.S.C. 7511(b)(2)(C).**

<sup>5</sup> In enacting **section 1983**, Congress entitled those deprived of their civil rights to recover full compensation from the governmental officials responsible for those deprivations. A state law that conditions that right of recovery upon compliance with a rule designed to minimize governmental liability ... is inconsistent in both purpose and effect with the remedial objectives of the federal civil rights law.

- ii. A SEPARATE SECOND SPECIAL COUNSEL FOR THE USA(2) IN THE ORDER\*\* FROM JUDGE GERGEL IN USA EX REAL ATLANTIC ELECTRIC IN THIS CASES ORDER CHALLENGED NOW UNDER THE FCA FOR THE FRAUDS WRONGFULLY PERFORMED IN THE NAME OF THE USA VIA THE RESPECTIVE DEFENDANTS SO ABOVE CAPTIONED AND NAMED IN MILLER ACT CLAIM UNDER THIS USA GOVERNMENT CONTRACT SUBJECT TO THIS FCA CIVIL ACTION FOR BOTH FRAUD AND RETALIATIONS; AND, (MILLER ACT the USA was Plaintiff for Atlantic Electric) ( a conflict )
  - iii. A SEPARATE THIRD SPECIAL COUNSEL FOR USA(3) IN THIS SECOND AMENDED COMPLAINT UNDER RETALIATION TO A WHISTLEBLOWER, THIS PLANITIFF. ( the USA DHS USCG is a Defendant and crimes have been ignored for which both the government personnel who are the same ones asserting no crimes were committed between themselves and subcontractors while ignoring being photographed performing these crimes. ) And, the State of South Carolina Governor is officially a Defendant and her SCLLR Board are each and collectively individual defendants – these are Co-Defendants).
12. ONE SPECIAL COUNSEL MUST REPRESENT THE UNITED STATES OF AMERICA IN THIS QUI TAM ACTION AS THE SC-USAO ATTORNEY HAS OVERREACHED BY SEEKING A MOTION TO DISMISS THE QUI TAM, BENEFITING THE ROSEBORO ORDER No.1 ADDED THE "NOT TO INTERVENE" INTENT BY THE USAO" AND WHO ALSO ENTERED INTO EVIDENCE & PROVIDED A LETTER "IT REACHED OUT FOR" FROM USCG ATTORNEY WINAND (APRIL <sup>14</sup> 2016) THAT 'HE SEES' NO VIOLATIONS OF THE FCA QUI TAM. AN EVIDENCIARY HEARING IS MANDATORY. THE CONTRACTING OFFICER IN THE MILAY COPEL TO ADMINSTRATIVELY CLOSE OUT THE CONTRACT AND TAKE \$6,028 FROM THE PLAINTIFF KNIGHT. and DEFENDANT ATLANTIC ELECTRIC HAS "CONTRACTOR ACCESS" TO 83-85 BROAD STREET; AN APPARENT IMPROPRIETY. and
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**COUNT V ( continued )**

**FEDERAL QUESTION - FCA - *PRO SE* §3730(h)**

13. THE U.S. SUPREME COURT HAS NEVER SETTLED THE FALSE CLAIM ACT *PRO SE* MATTER FOR §3730(h) RETALIATIONS AGAINST WHISTLEBLOWERS: AN EVIDENTIARY HEARING IS MANDATORY TO BE HAD?
14. THE USDC HAS JURISDICTION AND VENUE TO GRANT **PERSPECTIVE RELIEF** AGAINST STATES AND STATE OFFICIALS WHO ARE PART OF FEDERAL CONTRACTING BY THE ATTACHMENTS OF A STATE CONTRACTOR LICENSE AND
15. ... AND SAME .... AS IN THIS MATTER THE **CHENEGA SECURITY CONTRACT WITH FLETC** REQUIRES THEIR OFFICERS TO BE REGISTERED AND LICENSED BY SOUTH CAROLINA LAW ENFORCEMENT CENTER, SECURITY GUARDS AND PRIVATE INVESTIGATORS DIVISION -- (S.L.E.D.) AND
16. **FOR ITEMS ABOVE -- STATES DEFENDANTS BY ACTS OR FAILURES TO ACT : BECOMES A WAIVER OF A QUALIFIED IMMUNITY UNDER THE XI AMENDMENT BY A ABUSE OF, APPLICATION OF AND IMPLIED CONSENT STATE LAWS AS WERE WRITTEN INTO PARTS OF THE FEDERAL CONTRACTS FOR THESE SERVICES AND CONSTRUCTION ....**

Under the Supremacy Clause, U.S. Const. art. VI, cl. 2, " 'any state law, however clearly within a State's acknowledged power, which interferes with or is contrary to federal law, must yield.' " *Felder v. Casey*, 487 U.S. 131. —, 108 S.Ct. 2302, 2306, 101 L.Ed.2d 123 (1988) (quoting *Free v. Bland*, 369 U.S. 663, 666, 82 S.Ct. 1089, 1092, 8 L.Ed.2d 180 (1962)).

THIS WAIVER SUBJECTS THE STATES AND THESE LAWS TO FEDERAL JURISDICTIONS. AN ADDED STATE, LOCAL AND CITY CODE IS ABOUT THE SEISMIC REQUIRMENTS FOR THE CABLE TRAY UNDER PIER PAPA. *see* "DISPUTE" EXHIBIT TO MEMORANDUM. and

**COUNT VI** ( continued )

**EVIDENTIARY HEARING - TOWNSEND DOCTRINE**

17. An entangled part of these QUI TAM material facts presented in the Complaint and Memorandum is the references to this USDC MILLER ACT case known as United States ex rel Atlantic Electric, LLC vs Construction Group, LLC ( a sole proprietorship that is discriminated against Plt-Knight being taxed by IRS and SC Dept of Revenue as an individual person and denied speaking against the MILLER ACT in his **Federal Rule 60(b) timely motion (pending)** because it is alleged only an attorney is required for any entity — even King Solomon could not cut such a baby into halves)
18. This MILLER ACT Claim and ORDER could not exist or have continued had the FLETC Investigative Report and its contents of statements taken by Chenega Security Officer Lt. Davis... **the Clean Hands Doctrine** would have denied the MILLER ACT Claim access to the Court, the Atlantic Attorneys WERE speaking for the United States of America, from USDC Jurisdiction AND this ORDER landed into the hands and uses of the SC LLR Board against and adverse to the Plaintiff Knight. Clearly, this is specific evidence of the Investigative Report which can be proven as been hidden and maliciously manipulated by these defendants and that case counsel, even the Attorney, for the bonding company of this Plaintiff; Companion Surety before the Gergel Court.
19. *"Even a fool would not have signed that Agreement relied upon asserting their innocence's and denials by collusions and civil conspiracy by these Defendants in both captions" . . . Fact is that there is no such agreement signed by Knight, this Whistleblower about this government contract. Paul Raun (Authorized Agent atty for Companion Surety ? he said. ) Raun was not qualified to act as mediator, nor was he appointed via a USDC Order to act as a Mediator; and Knight was never paid twice the required fees and expenses for his two R30 depositions taken in the name of and authority the United States of America. see R.60(b) Motion pending the Gergel Court.*
20. This MILLER ACT ORDER was maliciously and anonymously **extra-judicially exponentially abusively mechanized and then abused** at the hands of SC LLR Board in an "anonymous" Administrative Law and Criminal Charges manner beginning on or

about January 5, 2015. This was not an expected and protected Due Process action. A 42 U.S.C. § 1983 Deprivation AND a 42 U.S.C. § 1985 Color of Law against the individual Plt-Knight's U.S. and State Constitutions. Further is a prohibited habit and practice by any States Officials.

a. The Townsend Court recognized six situations in which a federal court's deference to a state court's fact findings would be inappropriate, and any one of which would make an evidentiary hearing mandatory:

a.(1) the merits of the factual dispute were not resolved in the state hearing;

a.(2) the state factual determination is not fairly supported by the record as a whole;

a.(3) the fact-finding procedure employed by the state court was not adequate to afford a full and fair hearing;

a.(4) there is a substantial allegation of newly discovered evidence;

a.(5) the material facts were not adequately developed at the state-court hearing; or

a.(6) for any reason it appears that the state trier of fact did not afford the habeas applicant a full and fair fact hearing.

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**Townsend v. Sain, 372 U.S. 293 (1963)**

**Townsend v. Sain**

**No. 8**

**Argued February 19, 1962**

**Restored to the calendar for reargument April 2, 1962**

**Reargued October 8-9, 1962**

**Decided March 18, 1963**

**372 U.S. 293**

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21. A USDC Evidentiary Hearing is mandatory as False Claim Act is about crimes and civil balance; about the Gergel ORDER in the MILLER ACT action will clear matters under dispute about this DHS-USCG and If the Court does not grant the pro se a bounty then the retaliation clause of the FCA still allows the material facts as evidence.

COUNT VII- ( continued )

28 U.S.C. §1361 WRIT OF MANDAMUS - J.GERGEL ORDER

22. This DHS-USCG Government Contract lawsuit has two lives: **Part 1** is the FCA QUI TAM Complaint & Memorandum; AND **Part 2** is for FCA Retaliation(s) against a Whistleblower, this Plaintiff Knight. HOWEVER entangled as a material fact is ....
23. The J.Gergel Court's MILLER ACT ORDER does qualify for a review for this WRIT<sup>6</sup> as IT was obtained by obstructionisms of these defendants and frauds upon the Court of issuance. Any orders presented to the Companion Surety and the State of South Carolina, and other Clerks or credit entities in the name of Plaintiff Knight by these Defendants' is now being Challenged and for the Lack of Personal Jurisdiction due to Defendant's Fraudulent Inducement(s) - FALSE CLAIMS UNDER THE MILLER ACT, and, FURTHER as plead above in the FCA Complaint and Memorandum..
24. . . . as long as the court has subject matter jurisdiction and personal jurisdiction over at least one respondent-defendant, the court may proceed to the merits of the case.<sup>7</sup> The Mandamus ACT 28 U.S.C. §1361 authorizes actions in district court "to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

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<sup>6</sup> **Mandamus** is a judicial remedy in the form of an order from a superior court, to any government subordinate court, corporation, or public authority—to do (or forbear from doing) some specific act which that body is obliged under law to do (or refrain from doing)—and which is in the nature of public duty, and in certain cases one of a statutory duty. It cannot be issued to compel an authority to do something against statutory provision. For example, it cannot be used to force a lower court to reject or authorize applications that have been made, but if the court refuses to rule one way or the other then a mandamus can be used to order the court to rule on the applications.

Mandamus may be a command to do an administrative action or not to take a particular action, and it is supplemented by legal rights. In the American legal system it must be a judicially enforceable and legally protected right before one suffering a grievance can ask for a mandamus. A person can be said to be aggrieved only when he is denied a legal right by someone who has a legal duty to do something and abstains from doing it.

<sup>7</sup> Employers Reinsurance Corp. v. Bryant, 299 U.S. 374, 382, (1937) (without personal jurisdiction, the court is powerless to proceed to an adjudication).

25. The Plaintiff Knight wishes of this district court to issue a WRIT to force DHS-USCG to satisfy the DISPUTED items of the Plaintiff as presented -- item for item -- by DHS addressing each item presented, then to modify the contracts terms and conditions in favor of this plaintiff and to make monetary compensations for their breaches to the contract in and of itself. and
26. and for the district court to redact the letter presented from the defendant, DHS USCG attorney Winand, dated April 14, 2016. as presented on May 19, 2016. and

**COUNT VIII ( continued )**

**INJUCTIVE RELIEF - PERMANENT- 3730(h)**

27. This United States District Court has venue and jurisdiction to grant the Plaintiff a **Permanent Injunction and the Reliefs** sought to prevent Retaliations to Plaintiff Knight -- enjoining the Official Federal Defendants and these Individual Defendants, and to restore the Plaintiff to his place in society with appropriate, just, fair compensations for his damages and injuries caused directly and indirectly by the acts and failure to act of these Defendants, and

**COUNT IX ( continued )**

**DECLARATORY JUDGMENT - QUI TAM - FCA**

28. This United States District Court has venue and jurisdiction to grant the Plaintiff a Declaratory Judgment and the Relief sought to prevent future Retaliations to Plaintiff Knight -- for a judgment against the Official Defendants and the Individual Defendants, and to restore the Plaintiff to his place in society with appropriate, just, fair compensations for his damages and injuries
29. . . . intentional harms caused directly and indirectly by the acts and failure to act of these Defendants, and
30. . . . to make a *de novo* look at the OUI TAM's Complaint; the Plaintiff's Exhibits comparing the Crane Photo; the FLETC-CHENEGA Investigative Report ( an official government document subject to 18 U.S.C. 1001 scrutiny) and the Plaintiff's **DISPUTE** ( see OUI TAM's MEMORANDUM for details) ---
31. . . . for this Court to compare same to the DHS-USCG Government Contract Terms and Conditions and validate the Plaintiffs assertions for non-compliances. --- and to

grant and enter such **DECLARATORY JUDGMENT** necessary to truthfully CLOSEOUT PROCEDURALLY the contract breached. and

**COUNT X** ( continued )

**SHERMAN ANTITRUST ACT - SCLLR**

32. The Defendant SC LLR (Individual Defendants) Contractors Licensing Board was/is created in SC LAW and the Board is appointed mostly at the **Political whims and board appointment rewards from the Governor herself** to favor her campaign donors, Niki R. Haley, and who is solely responsible for these Contractors Board Memberships. The SC LLR Contractors Licensing Board has recently embarked upon a journey of "sting operations" which is a law enforcement activity and has reached across the Separations of Powers outlined in Our limited Constitutions -- this Appointed Regulatory Board is not a SC County Solicitor or Sheriff. Most of the current board members have been members for 20+ years of regulating their competition in business. This history is adherently unfair and unjust to the public trust.
33. . . . the Board having a forum appointees of the Plaintiff Knight's competitors for business and contracts . . . has from these set of material facts sworn to by the Plaintiff, these Defendants, so named in this complaint have violated the **Sherman AntiTrust ACT**, and as such their Abuse of Process; and §1983 Deprivations of Rights; §1985 Color of Law against the Plaintiff Knight, and in so doing covertly, with collusion and civil conspired malicious actions against Plaintiff Knight, have subjected their "enterprise" against the State's Constituency of Citizens, subjected a need for this USDC, to, the future, provide controls and oversights of the United States of America via the authority, venue and jurisdiction United States to protect everyone equally against wrongs committed under the disguises of performance of a public service.
34. . . . the SC LLR Contractor's Licensing Board, being made up of Licensed Contractor Business Competitors; who can now and has silently influence(d) contractor's license limits, imposed fines and penalties; recommends criminal actions with due processes; has its own in-house 'law enforcement investigators'; that accepts contractor complaints from uniquely "anonymous" sources, an environment that creates even more opportunities for malice and vengeance and vendettas, all done in contrast as the inalienable right to confront those witnessing against you" are readily available to every

other "persons" in civil, criminal and or tribunals.. Who is the accuser and what are their damages or injuries (if any) ---- The SC LLR Contractors Licensing Board has evolved and its continued existence violates the breath and purposes clearly prohibited by Sherman AntiTrust ACT. This LLR Contractors Board must be restrained to protect the Public Trust and this Plaintiff Knight. and

**COUNT XI ( continued )**

**28 U.S.C. §§ 1346(b), 2671 - 2680 FEDERAL TORT CLAIMS ACT (FTCA)**

35. The actions of the Individual Defendants have caused an irrespirable and irreversible injury and damages to this Plaintiff Knight. The Officials and the Individuals so named in the captions AMENDED above by their concerted actions, have given cause to a claim under the FTCA: .. Recovery for Damages, Loss of Property,, are allowed in this suit against the federal actor who, acting in his or her individual capacity under color of federal law, is alleged to have violated the Plaintiff Knight constitutional rights. A judicially created mechanism claim affords the redress to the plaintiff in federal court.
- Administrative Remedies need not be exhausted to meet these basic elements:
- a. the Plaintiff Knight has constitutionally protected right(s) under the Fourth, Fifth and Fourteenth Amendments;
  - b. the defendants, a federal official, has violated that right(s)
  - c. the plaintiff Knight, lacks a statutory cause of actions, or an available statutory cause of action does not provide monetary compensation against the federal defendants;
  - d. no "special factors" suggest that the court should decline to provide the judicial cause of action and remedy; and
  - e. no appropriate immunity can be raised by the federal defendants.
  - f. truly, all this matter was originally generated due to the DHS-USCG Government Contract. The Plaintiff has lost irreplaceable time to participate in the United States Small Business Agency in the 8a program.
  - g. these wrongs directly lost 4+ years or more for the Plaintiff Knight to continue working on government contracting with IDIQ and other long term FIX PRICING endeavors.

b. the wrongs meant the Plaintiff could not buy business insurances, bonding, or have the operational funds between invoices. A temporary license alone is not comparable to all that was lost over many years of successful business. and,

36. ... with Small Businesses (SBA) are destroyed, these wrongs leaves more contracts for these special-Individual Defendant(s) as the *destroyers while they themselves and their friends are left to suffer enrichments and to divvy up federal contracts*. The events and the specifics alleged facts are/were outlined in the QUI TAM paragraphs captioned above, and are rightfully restated herein: and

**COUNT XII ( continued )**

**42 U.S. C. CHAPTER 21 SUBCHAPTER I § 1983: DEPRIVATIONS**

37. The Plaintiff Knight adds to the above causes for violations of his civil rights, **Title 42, U.S.C. §14141** which makes it unlawful for state or local law enforcement agencies to allow officers<sup>8</sup> to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. This law is commonly referred to as **The Police Misconduct Statute**. This law gives the (DHS) DoJ and thus the United States Court authority over civil remedies in cases where it is determined that law enforcement agencies have policies or practices which foster pattern of misconduct by employees. This action is directed against the agency, not the officers. There are types of issues which may initiate a Pattern and Practice Investigation. **EX. A department having a citizen complaint process which treats complainants as adversaries; must be investigated now by a Special Counsel 28USC§600.1.** and

38. IN this matter, DHS-USCG has treated the Plaintiff Knight, the Whistleblower, with such deprivations. **The USAO has neglected to connect the dots!** and so means the **28 C.F.R. §600 et al** Regulations are applicable. and

39. The SC LLR Contractors License Board has wrongfully taken on the presence of a "law enforcement" state agency, when it was legislatively limited to the regulation and issuance of contractors licenses state wide to protect the public from unlicensed and

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<sup>8</sup> SC LLR Contractor License Board has law enforcement investigators. Misused this perfected a Police Misconduct.

poor construction businesses. IT was not intended by the S.C. General Assembly to the Police. This Board has acted wrongfully about this Plaintiff. and

**COUNT XIII** ( continued )

**42 U.S.C. § 1985 COLOR OF LAW – SCLLR**

39. The Plaintiff restates the above paragraphs 1 - 38. and

40. The Plaintiff seeks an equitable right under 28 U.S.C. §1331 to recover damages for violations of Due Process Clause of the Fifth Amendment based on Tort theory set forth in *Bivens*. In *Davis v Passman*, 442 U.S. 28 (1979) the Court extended such rights. and

**COUNT XIV** ( continued )

**LAW vs ADMIN. POLICY - DHS LAW OBSTRUCTIONS**

40. The Courts must not be distracted when the Executive Branch creates Policies that prevent the Judicial Branch from Law Enforcement. The Administration at from the Office of the President of the United States of American and DHS Secretary Jeh Johnson have both openly declared that employees who refuse to break the law will suffer punishment.
41. This has *trickled all about* the DoJ, the FBI, the Border Patrol, ICE and other Law Officers that if they make arrests about immigration, they will suffer and there will consequences to it. This is from a letter sent to Jeh Johnson by Senator Jeff Sessions (April 2014) The attachments to this matter is that Lt Davis went to make an arrest for the copper thefts and he was stopped by Defendant Aldrich, Glazier and Thorpe. Simply expressed is that, "*we do not arrest our friends*" as a unwritten-Policy gone amuck. Victims of crimes and the whistleblowers are suffering when entitled to the laws being enforced. This is a obstruction of justice! A crime !
42. The Court has a Separation of Powers duty to prevent Executive's Politics from negatively affecting the enforcement of these laws. Law takes a Supremacy over any

**Executive's Policy.** Certainly, the Executives of these Defendants will never bear witness to the failures of its own officials and employees. Restate the weight of the evidence; the photo, the police report admissions of theft, and the details of the DISPUTE document. and

**COUNT XV (continued)**

**PROSPECTIVE INJUNCTIVE & DECLARATORY RELIEF - *EX PARTE YOUNG***

43. **FEDERAL QUESTION:** States do/do not have any federal court immunity when the State injects by itself into the federal contracting world, as was done in this matter, the State and its officials waive their IX Amendment protestations. A State contract license were required for the Award of both this DHS-USCG contract with Plaintiff Knight's sole proprietorship AND when the FLETC contract with Chenega Security, Inc has a requirement -- only in South Carolina -- that these Security Officers were registered and approved by SLED Security Officer provisions and State Statutory that Security Officers have arrest authority of a Sheriff. Lt Davis was not allowed to perfect the arrest for the stolen copper. and

**COUNT XVI (continued )**

**RESERVED RIGHTS OF THE PLAINTIFF(S)**

44. The Plaintiff(s) reserves the right to assert all other defenses available to it under law or equity at the time for trial and reserves the right to amend this Answer to include additional defenses that discovery may reveal to be appropriate.

**PRAYER FOR RELIEF**

45. TO: (*restated*) QUI TAM paragraphs No. 18 **RELIEF**; No. 19 **ADDITIONAL RELIEF**; and No. 20 **EQUITABLE ADJUSTMENT**.
46. TO: SATIFY COUNTs I thru XVI above. and
47. TO: **GRANT 3 EACH – U.S. ATTORNEY GENERAL § 600.1 SPECIAL COUNSEL ONE AS A SPECIAL PROSECUTOR OF CRIMES** and

48. TO: GRANT A DECISION TO THESE **FEDERAL QUESTION - FCA PRO SE**  
**§3730(h) and**
49. TO: GRANT AFTER **§600.1 APPOINTMENTS; HOLD A PROPER**  
**EVIDENTIARY HEARING and**
50. TO: GRANT A **WRIT OF MANDAMUS - J.GERGEL ORDER - AFTER THE**  
**PROPER EVIDENTIARY HEARING and**
51. TO: GRANT **INJUNCTIVE RELIEF - PERMANENT- 3730(h)** AGAINST DFTs  
OFFICIALS AND INDIVIDUALS AS IT APPLIES UNDER THE DISTRICT  
COURTS REACH FOR THE OFFICIALS TO PROPERLY NEGOTIATE THE  
CONTRACT DISPUTED ITEMS AS THEY COMPARE TO THE CONTRACT  
TERMS AND CONDITIONS. REFUTING USCG ATTY WINAND and
52. TO: GRANT **DECLARATORY JUDGMENT - QUI TAM FCA** AS IT ONLY  
REQUIRES COMPARING A PHOTO, A FLETC INVESTIGATIVE REPORT AND  
ADMISSION OF THE DEFENDANTS THAT THE FCA CLAIM IS VALID. and
53. TO: GRANT AGAINST THE SC LLR CONTRACTORS BOARD ABOUT  
**SHERMAN ANTITRUST ACT and**
54. TO : GRANT **REMEDY UNDER FEDERAL TORT CLAIMS ACT and**
55. TO: GRANT **PROSPECTIVE RELIEF** AGAINST THE FEDERAL OFFICIALS  
AND STATE OFFICIALS and
56. TO; GRANT **42 U.S. C. § 1983 DEPRIVATIONS,** and MAKE THE PLAINTIFF  
WHOLE AGAIN and
57. TO: GRANT **42 U.S.C. § 1985 COLOR OF LAW – SCLLR LICENSE ATTACK**  
and MAKE THE PLAINTIFF WHOLE and
58. TO: ORDER THAT THE **LAW vs ADMIN. POLICY - DHS OBSTRUCTIONS**  
WHERE THE ENFORCEMENT OF THE LAWS TOOK A LOW PRECEDENT AND  
**NON ARREST POLICIES** PREVAILED LEAVING WHISTLEBLOWERS TO  
SUFFER UNJUSTLY. TO CHANGE MAKE THE PLAINTIFF WHOLE AGAIN. and
59. TO: ORDER ANY **OTHER RELIEF THE COURT DEEMS LAWFUL,** JUST AND  
PROPER TO MAKE THE PLAINTIFF AND THE UNITED STATES OF AMERICA  
WHOLE AGAIN. and

60. (*restated*) The Plaintiff is entitled to all applicable types of damages from the Defendants; such as:

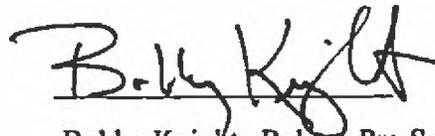
- a. **Compensatory Damages** for the purpose of making a person "whole again" (put back in the position which existed before the loss or harm; and
- b. **General Damages** resulting from the act or failure to act on the part of the person at fault - the amount needed to restore the fair market value of the property to its owner (the injured party); and
- c. **Special Damages** not resulting from the wrongful act or failure to act itself, but from the circumstances after the loss or harm has occurred. Special damages include out-of-pocket items that can be documented, such as the need to rent replacement property (such as a car rental) or the cost of services (such as the cost to have property valued or appraised); and
- d. **Future Damages** that are certain to occur in the future as a result of the loss or harm are recoverable so long as there is a satisfactory basis for which the future, anticipated losses or harms can be determined. Without a satisfactory basis, future damages are speculative and are not subject to recovery; and
- e. **Incidental Damages** include the reasonable charges, expenses, or other costs which flow from the loss or harm **Punitive Damages** can be assessed against the party at fault to punish the wrong-doer for his/her willful, malicious, or oppressive behavior and to deter others from acting in a similar manner; and
- f. All damages sustained as a result of these Defendants discriminatory treatment;
- g. **Future:** attorneys' fees and costs.

**A JURY DEMAND IS ENTERED.**

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Dated: June 20, 2016

Respectfully submitted,



Bobby Knight, Relator Pro Se  
3940 Hottinger Avenue  
North Charleston, SC 29405  
(843) 735-0814



**SECOND AMENDED COMPLAINT & MEMORANDA (UNDER SEAL)**

**Fed Rule 4(d)(4) waiver, proof of service**

I, Bobby Knight, the Qui Tam Plaintiff/Relator herein certify that I have complied with 31 U.S.C. 3730(b)(2) & Local Rule 5:03 "exempt by statute" serving the **SECOND AMENDED COMPLAINT & MEMORANDA (UNDER SEAL)** as required pursuant to Rule 4(d)(4) and the FCA filing requirements when there is not yet a Summons issued by the Court; by my placing a copy in the United States Mail with first class postage properly affixed to the Government; (1) United States Attorney General ; and (2) the United States Attorney for South Carolina, to their respective United States Offices at addresses as follows:

(FILED UNDER SEAL)  
Honorable Loretta E. Lynch  
Attorney General of the United States  
U.S. Department of Justice  
Room 5111  
10th Street & Constitution Avenue, NW  
Washington, DC 20530

(202) 514-2000

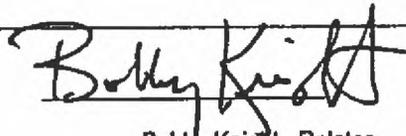
(FILED UNDER SEAL)  
Honorable USA William N. Nettles  
United States Attorney for the District of South Carolina  
1441 Main Street  
Suite 500  
Columbia, SC 29201

(843) 727-4381 Main Fax: (843) 727-4443

(FILED UNDER SEAL)  
The Honorable Alan Wilson  
South Carolina State Attorney General  
Rembert Dennis Building  
1000 Assembly Street, Room 519  
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(803) 734-3790 FAX 803-734-6679

Dated: January 20, 2016  
Respectfully submitted,



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