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9 **FRANK GREGORY FORD**

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA

<p>12 FRANK GREGORY FORD,</p> <p>13 Plaintiff,</p> <p>14 vs.</p> <p>15 VICTOR ARTIGA, MERLE MADERA,</p> <p>16 TIMOTHY D. RYAN, THOMAS M.</p> <p>17 PAPPAS, CALIFORNIA ARMY</p> <p>18 NATIONAL GUARD, UNITED</p> <p>19 STATES OF AMERICA and</p> <p>20 UNIDENTIFIED AGENTS,</p> <p>21 Defendants.</p>	<p>Case No.:</p> <p><b>COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL</b></p>
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22 Plaintiff, FRANK GREGORY FORD, alleges as follows:

23 **1. JURISDICTION AND VENUE**

24 1. Plaintiff, FRANK GREGORY FORD, (hereafter "FORD") is an adult  
25 resident of the county of Sacramento in the state of California. At the time of the  
activities complained of herein, FORD was a member of the California Army National

1 Guard on active duty with the United States Army stationed in Iraq while conducting  
2 combat intelligence operations.

3 2. This court has subject matter jurisdiction under 28 USC § 1331, 28 USC §  
4 1391 (b) (1), 42 USC § 1983, 18 USC § 2441 and 5 USC § 2302 (b) (8).

5 3. Venue therefore lies in the United States District Court for the Eastern  
6 District of California, because Plaintiff resides in the Eastern District and the 203d  
7 Military Intelligence Battalion and the California Army National Guard has its  
8 headquarters within the Eastern District, to wit: Sacramento, California.

9 4. This is a civil matter where the matter in controversy exceeds the sum of  
10 \$75,000.00, exclusive of interest and costs.

11 5. This is a civil action seeking damages against certain defendants for  
12 committing acts under color of law and depriving Plaintiff of rights secured by the  
13 Constitution and laws of the United States. By this action Plaintiff seeks all legal and  
14 equitable relief to which they may be entitled, including, but not limited to compensatory  
15 and punitive damages, attorney's fees and costs, and prejudgment interest, against  
16 Defendants.

17  
18 **I. GENERAL ALLEGATIONS**

19 6. Plaintiff, FRANK GREGORY FORD, (hereafter "FORD") is an adult  
20 resident of the county of Sacramento, state of California. In 2003, FORD was badged  
21 and credentialed as a counter intelligence non-commissioned officer assigned to  
22 Detachment 1, Company A, 223 Military Intelligence Battalion of the California Army  
23 National Guard (hereafter "CAANG"), under the active duty command of the 205<sup>th</sup>  
24

1 Military Intelligence Brigade. He was also a qualified U.S. Navy corpsman and U.S.  
2 Army medic.

3 7. Defendant Victor Artiga (hereafter "ARTIGA") is an adult resident of the  
4 state of California. In 2003 he was a captain in the CAANG and assigned as the company  
5 commander of plaintiff FORD.

6 8. Defendant Merle Madera (hereafter "MADERA") is an adult resident of  
7 the state of California. In 2003 she was a captain in the CAANG and a licensed medical  
8 doctor.

9 9. Defendant Timothy D. Ryan (hereafter "RYAN") is an adult resident of  
10 the state of California. In 2003 defendant RYAN as a lieutenant colonel assigned as  
11 commander of the 223 Military Intelligence Battalion, CAANG.

12 10. Defendant Thomas Papas (hereafter "PAPAS") is an adult resident of the  
13 state of Virginia who, in 2003, was the colonel and the commander of the 205<sup>th</sup> Military  
14 Intelligence Brigade, U. S. Army.

15 11. Defendants California Army National Guard and the United States of  
16 America were, at various times, the employers of the individual defendants and were  
17 responsible for the training and supervision of the individual defendants. Further, it is  
18 alleged that they either knew, or should have known, of the conduct of the individual  
19 defendants and that they conspired with and ratified the illegal conduct of the individual  
20 defendants and that they conspired with and ratified the illegal conduct of the individual  
21 defendants.

22 12. The Unidentified Defendants are the U.S. officials and agents who  
23 ordered, carried out, and failed to intervene to prevent the torture and unlawful detention  
24 of plaintiff.  
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1           13. Plaintiff FORD is informed and believes and thereupon alleges that at all  
2 times herein mentioned, defendants, and each of them, were the agents, servants,  
3 employees, contractors, subcontractors, and/or joint venturers of their co-defendants and  
4 were, as such, acting within the scope, course, and authority of said agency employment  
5 and/or joint venture and that each and every defendant, as aforesaid, has ratified and  
6 approved of the acts of his or her agent.

7           14. Plaintiff FORD is informed and believes that any immunity that may be  
8 claimed by defendants, and each of them, was waived by their intentional misconduct,  
9 that had it been known, would have brought penalties and censure upon them under the  
10 Uniform Code of Military Justice. Plaintiff further alleges that defendants' conduct was  
11 *ultra vires* and not subject to protection or immunity.

12           15. Plaintiff FORD is informed and believes that any applicable statute of  
13 limitation defense is waived by defendants, and each of them, because in July of 2003  
14 plaintiff FORD was in the Office of the Adjutant General, California Army National  
15 Guard, Sacramento, California when he, FORD, was ordered by LTC Dana that he,  
16 FORD, not institute civil legal action against the California Army National Guard, or any  
17 of its officers regarding the state directed torture program (SDTP) under way at Abu  
18 Ghraib prison in Iraq. FORD was told by his superior officer that the reasons for FORD  
19 to stay quiet and to suppress the information he had was that it would damage the war  
20 effort and jeopardize the lives of United States personnel in Iraq. FORD was reminded  
21 that he had a security clearance and that he could be prosecuted for leaking classified  
22 information. Furthermore, LTC. DANA told FORD that the release of FORD's  
23 information would damage ongoing intelligence operations and that he, FORD, must wait  
24 until all United States military personnel were out of Iraq. Plaintiff FORD understood this  
25

1 to be a lawful order. Plaintiff FORD remained a member of the Individual Ready Reserve  
2 until June 28, 2011 and subject to the Uniform Code of Military Justice.

3 16. Plaintiff FORD has been designated as a victim of war crimes and of  
4 torture by the government's official expert on war crimes and torture.

5 17. The conduct of defendants, and each of them, consisted of oppression,  
6 fraud, or malice sufficient to justify the plaintiff to recover, in addition to actual damages,  
7 damages for the sake of example and by way of punishing the defendants.

8 **II. FIRST CAUSE OF ACTION**  
9 **(42 USC § 1983)**

10 18. Plaintiff FORD incorporates by reference paragraphs 1 through 17 as  
11 though set forth in their entirety herein and alleges as follows.

12 19. In April of 2003, while performing his duties as a counter-intelligence  
13 agent in Iraq, plaintiff FORD personally observed weapons of mass destruction  
14 (hereafter "WMD") to wit: [Classified], in an Iraqi underground storage bunker at Balad  
15 Air Force Base, with markings on them indicating that they were manufactured in the  
16 United States of America. Plaintiff FORD promptly notified his higher command,  
17 defendants herein.

18 20. In April or May of 2003 plaintiff FORD, while performing his duties as a  
19 counter-intelligence agent in Iraq, recruited a confidential informant (hereafter "CI") by  
20 the name of [Confidential] also known as [Confidential] who provided plaintiff with  
21 information that lead to the capture of \$40,000,000 in United States currency and the  
22 currency of other countries. Plaintiff FORD turned this money over to his higher  
23 command. Later, when plaintiff FORD asked his higher command for money to pay to  
24 CIs for information, plaintiff was told that he would have to use his own money. Plaintiff  
25

1 FORD is informed and believes that the money he turned over was embezzled and used  
2 for personal use by United States personnel.

3 21. Plaintiff FORD's CI mentioned *supra* was thought to know the  
4 whereabouts of Saddam Hussein. On two occasions he was severely beaten by United  
5 States personnel and plaintiff cared for him as a trained corpsman. On the third occasion  
6 that plaintiff's CI was beaten, he died as a result of additional beating and torture and  
7 plaintiff was unable to revive him.

8 22. In May of 2003, while at Abu-Ghraid prison in Iraq, plaintiff FORD was  
9 asked to care for prisoners as a former US Navy corpsman and US Army medic, which  
10 he did. Plaintiff FORD personally witnessed and treated many other Iraqi prisoners that  
11 had been abused and/or tortured by United States personnel. On June 7, 2003 plaintiff  
12 FORD reported to defendants ARTIGA and RYAN that the torture was wrong, illegal,  
13 counterproductive and that the entire counter intelligence /interrogation team should be  
14 replaced.

15 23. On June 15, 2003 defendant ARTIGA relieved plaintiff FORD from his  
16 position on a THT team, took away his M16 rifle, while FORD was still in an active  
17 combat zone, and referred plaintiff FORD for a psychiatric assessment. See **Exhibit "A"**.

18 24. On June 17, 2003 FORD filed formal charges for illegal torture and abuse  
19 by and against his team and demanded "Whistleblower" protection.

20 25. On June 18, 2003 plaintiff FORD was seen by defendant Dr. MADERA,  
21 on referral from defendant ARTIGA, for the stated purpose to rule out psychosis.<sup>1</sup> The  
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<sup>1</sup> . Psychosis is defined by Black's Law Dictionary, Rev. 4<sup>th</sup> Ed. As "A disease of the mind; especially a functional disorder."

1 true facts are that defendant ARTIGA wanted to silence FORD and to get him out of  
2 theater. See Exhibit "B".

3 26. Defendant Dr. MADERA was coerced by defendant ARTIGA, who  
4 subjected defendant Dr. MADERA to illegal command influence, and unwillingly  
5 arranged for the aeromedical evacuation of FORD.

6 27. On June 21, 2003 plaintiff FORD was, against his will, kidnapped,  
7 drugged and strapped to a stretcher. He was then flown out of Iraq to Germany without  
8 orders or being listed on the manifest. FORD was accompanied, under guard, by  
9 defendant Dr. MADERA who was sent for the sole purpose of monitoring plaintiff  
10 FORD'S communications. Defendant Dr. MADERA stated to FORD that "you have been  
11 kidnapped to shut you up because LTC Ryan is terrified of what you have to say."  
12

13 28. Under 42 USC § 1983 defendants, and each of them, acted under color of  
14 statute, ordinance, regulation, custom or usage of the California Army National Guard to  
15 deprive FORD of his rights, privileges, or immunities secured by the United States  
16 Constitution, Amendment IV in that his person and papers were seized so as to deprive  
17 plaintiff of his rights under Amendment I.

18 29. Under 42 USC § 1988, plaintiff FORD is entitled to attorney's fees and  
19 costs should he prevail in this action.

20 WHEREFORE, plaintiff prays for damages as more fully set forth below.  
21

22 **III. SECOND CAUSE OF ACTION**  
23 **(Medical Malpractice)**

24 30. Plaintiff FORD incorporates by reference paragraphs 1 through 29 as more  
25 fully set forth herein.

1 31. Plaintiff FORD is informed and believes that defendant Dr. MADERA  
2 was, in 2003, licensed as a medical doctor. As such she had the duty to have that degree  
3 of learning and skill ordinarily possessed by reputable healthcare providers, practicing in  
4 the same or a similar locality and under similar circumstances. Further, defendant Dr.  
5 MADERA had and has the duty to use the care ordinarily exercised in like cases by  
6 reputable members of the healthcare profession and to use reasonable diligence and her  
7 best judgment in the exercise of skill and the application of learning, in an effort to  
8 accomplish the purpose for which the healthcare provider was employed.

9 32. Plaintiff FORD is informed and believes that in June of 2003 defendant  
10 MADERA breached her duty to plaintiff FORD when she gave in to command pressure  
11 and had plaintiff FORD branded as suffering from a mental disorder when she knew that  
12 he did not, as later confirmed by subsequent treating psychiatrists. Under her medical  
13 authority, under pressure from the other defendants, and each of them, plaintiff FORD  
14 was strapped to a stretcher, drugged and evacuated from Iraq to Germany and then to  
15 Texas, against his will and to silence him from reporting to the news media the WMDs  
16 that he had found and the torture of Iraqi prisoners by United States personnel at Abu  
17 Ghraib prison. See **Exhibit B**.

18 33. As a proximate/legal result of the medical negligence of defendant  
19 MADERA, plaintiff has been damaged as more fully set forth below.

20 WHEREFORE, plaintiff prays for damages as more fully set forth below.

21 **IV. THIRD CAUSE OF ACTION**  
22 **(False Imprisonment)**

23 34. Plaintiff FORD incorporates by reference paragraphs 1 through 33 as  
24 though more fully set forth herein.

25 35. California Government Code § 820.4 provides: "A public employee is not  
liable for his act or omission, exercising due care, in the execution or enforcement of any



1 law. Nothing in this section exonerates a public employee from liability for false arrest or  
2 false imprisonment.”

3 36. Plaintiff FORD alleges that he was falsely imprisoned when, without due  
4 process, he was arrested, strapped to a stretcher against his will, drugged and put on an  
5 airplane without his personal affects or consent, without orders or listing on the airplane’s  
6 manifest, and sent to Germany from Iraq.

7 37. A person is liable for false imprisonment if he or she “authorizes,  
8 encourages, directs, or assists an officer to do an unlawful act, or procures and unlawful  
9 arrest, without process, or participates in the unlawful arrest. Where a defendant  
10 “knowingly gives the police false or materially incomplete information, of a character  
11 that could be expected to stimulate an arrest”...”such conduct can be a basis for imposing  
12 liability for false imprisonment.” Where an arrest is made without process, plaintiff does  
13 not need to allege that “such arrest was unlawful...”

14 WHEREFORE, plaintiff prays for damages as more fully set forth below.

15 **V. WAR CRIMES**  
16 **(18 USC § 2441)**

17 38. Plaintiff FORD incorporates by reference as though set forth herein  
18 paragraphs 1 through 37.

19 39. Under 18 USC § 2441 it is unlawful to commit, or to cover up, war  
20 crimes. Plaintiff witnessed war crimes being committed by United States personnel in  
21 uniform and under color of authority. Plaintiff’s information was disregarded and not  
22 forwarded to the higher command authority. Plaintiff is therefore informed and believes  
23 that defendants, and each of them, acted in concert and conspired to commit war crimes  
24 when they failed to act when they had a duty to act.

25 40. Plaintiff FORD has been designated as a victim of war crimes and torture  
by the government’s official expert on war crimes and torture.

1 41. Plaintiff FORD has made several Freedom of Information Act (FOIA)  
2 requests and they have been ignored. Plaintiff FORD, being an interested party and in  
3 need of confirming his beliefs and understanding, has tried numerous ways to confirm his  
4 memory through official channels, all of which have been denied or ignored.

5 42. Plaintiff FORD has discovered over two hundred pages of investigation  
6 documents pertaining to plaintiff and plaintiff's CI mentioned *supra* that have been  
7 intentionally hidden from plaintiff. These documents confirm plaintiff's allegations in  
8 this Complaint. The intentional cover up of these documents constitute a violation of 18  
9 USC § 2441.

10 WHEREFORE, plaintiff prays for damages as more fully set forth below.

11 **VI. UNLAWFUL USE OF DRUGS CONSTITUTES TORTURE**

12 43. Plaintiff FORD incorporates by reference as though fully set forth herein  
13 paragraphs 1 through 42.

14 44. Plaintiff FORD is informed and believes that he was given a drug or drugs  
15 in order to make him compliant and to be flown out of Iraq after he reported torture by  
16 United States personnel of Iraqi personnel. The administration of mind altering drugs is a  
17 violation of law and is defined as torture by national and international law.

18 45. Plaintiff FORD has been designated as a victim of war crimes and torture  
19 by the government's official expert on war crimes and torture.

20 46. Plaintiff FORD has been injured in his body and mind, physically and  
21 psychologically, and has suffered great physical and emotional injury as a proximate  
22 cause of defendants', and each of them.

23 WHEREFORE, plaintiff prays for damages as more fully set forth below.

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**VII. WHISTLEBLOWER PROTECTION ACT  
(5 USC § 2302 (b) (8))**

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2  
3 47. Plaintiff FORD incorporates by reference as though fully set forth herein  
4 paragraphs 1 through 46.

5 48. Defendants, and each of them, violated 5 USC § 2302 (b) (8) when, after  
6 plaintiff reported torture and other misdeeds, CPT Artiga did, with the approval of higher  
7 command, have plaintiff declared to be psychotic, took his M-16 rifle away from him in a  
8 combat zone, and had him drugged and flown out of Iraq.

9 49. Plaintiff FORD has suffered adverse personnel action, retribution, physical  
10 and psychological damage as a proximate cause of defendants' misconduct.

11 WHEREFORE, plaintiff prays for damages as more fully set forth below.


**PRAYER**

12 WHEREFORE, plaintiff prays for damages as follows:

- 13 1. For general damages within the jurisdiction of this court according to proof;  
14 2. For special damages within the jurisdiction of this court according to proof;  
15 3. For punitive damages in order to punish *ultra vires* activity of individual named  
16 defendants;  
17 4. For costs, expenses, and reasonable attorney's fees per statute;  
18 5. For interest on any judgment as to the date of filing this suit; and  
19 6. For such other and further relief as the court may deem just and proper.  
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21  
22 Dated: *Sept 13, 2012*

GOODWIN LAW CORPORATION

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25 J. Jeffries Goodwin, Esq. Attorney for  
Plaintiff Frank Gregory Ford


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**DEMAND FOR JURY TRIAL**

Plaintiffs herein demand a jury trial of all issues triable by jury.

Dated: *Sept 13, 2012*

GOODWIN LAW CORPORATION



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J. Jeffries Goodwin, Esq. Attorney for  
Plaintiff Frank Gregory Ford