

FILED

JAN 12 2023

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee



Clerk, U. S. District Court Eastern District of Tennessee At Knoxville

Knoxville Division

\_\_\_\_\_ )  
 Charles Van Morgan )  
 Plaintiff(s) )  
 (Write the full name of each plaintiff who is filing this complaint. )  
 If the names of all the plaintiffs cannot fit in the space above, )  
 please write "see attached" in the space and attach an additional )  
 page with the full list of names.) )  
 -v- )  
 )  
 Scott Allen, John Doe, William Adams, Tyroe Jacobs, )  
 Mark Bender, Morales. )  
 Coty Wamp )  
 Defendant(s) )  
 (Write the full name of each defendant who is being sued. If the )  
 names of all the defendants cannot fit in the space above, please )  
 write "see attached" in the space and attach an additional page )  
 with the full list of names.) )

Case No. 3:23cv16  
 (to be filled in by the Clerk's Office)  
McDonough/McCook  
 Jury Trial: (check one)  Yes  No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Charles Van Morgan
Street Address	3434 June Street
City and County	Knoxville, Knox
State and Zip Code	Tennessee 37920
Telephone Number	865.405.2841
E-mail Address	cvanmorgan@hotmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Scott Allen
Job or Title <i>(if known)</i>	Administrator of elections
Street Address	700 River Terminal Road
City and County	Chattanooga, Hamilton
State and Zip Code	Tennessee, 37406-1736
Telephone Number	423-209-8683
E-mail Address <i>(if known)</i>	Vote@HamiltonTN.gov

Defendant No. 2

Name	John Doe
Job or Title <i>(if known)</i>	Elections Official
Street Address	700 River Terminal Road
City and County	Chattanooga, Hamilton
State and Zip Code	Tennessee, 37406-1736
Telephone Number	423.209.1736
E-mail Address <i>(if known)</i>	Vote@HamiltonTN.gov

Defendant No. 3

Name	William Adams
Job or Title <i>(if known)</i>	Elections Official
Street Address	700 River Terminal Road
City and County	Chattanooga, Hamilton
State and Zip Code	Tennessee, 37406-1736
Telephone Number	423.209.1736
E-mail Address <i>(if known)</i>	Vote@HamiltonTN.gov

Defendant No. 4

Name	Tyroe Jacobs
Job or Title <i>(if known)</i>	Elections Official
Street Address	700 River Termianl Road
City and County	Chattanooga, Hamilton
State and Zip Code	Tennessee, 37406-1736
Telephone Number	423.209.1736
E-mail Address <i>(if known)</i>	Vote@HamiltonTN.gov

Defendant No. 1

Name Mark Bender  
Job or Title (if known) Chattanooga Police Sergeant  
Street Address 3410 Amnicola Hwy.  
City and County Chattanooga, Hamilton County  
State and Zip Code Tennessee, 37406  
Telephone Number (423) 643-5000  
E-mail Address (if known) CPDInternalAffairs@chattanooga.gov

Defendant No. 2

Name Morales  
Job or Title (if known) Chattanooga Police Officer  
Street Address 3410 Amnicola Hwy.  
City and County Chattanooga, Hamilton County  
State and Zip Code Tennessee, 37406  
Telephone Number (423) 643-5000  
E-mail Address (if known) CPDInternalAffairs@chattanooga.gov

Defendant No. 3

Name Coty G. Wamp  
Job or Title (if known) Hamilton County District Attorney  
Street Address 600 Market Street, Suite 310  
City and County Chattanooga, Hamilton County  
State and Zip Code Tennessee 37402  
Telephone Number 423-209-7400  
E-mail Address (if known) https://www.hamiltontn.gov/EmailContact.aspx

Defendant No. 4

Name \_\_\_\_\_  
Job or Title (if known) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address (if known) \_\_\_\_\_

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question
- Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

U.S. Const. amend. I, Freedom of Political Speech: *Gitlow v. New York* 268 U.S. 652 (1925)

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_ . Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On October 24, 2022 at about 10am, I Charles Van Morgan candidate for Tennessee Governor on the ballot was at the Hamilton County Early Voting location at 700 River Terminal Road Chattanooga TN behind the 100 foot barror sign, Burson v. Freeman, 504 U.S. 191 (1992), telling people getting out of their cars from a distance of more than 10 feet away from them with a campaign 18 by 24 foot yard sign with my picture and my name in huge red letters all across the top with what I was running for. That I was running for Tennessee Governor asking them if I could give them a leaflet about the campaign. I have been doing this all across Tennessee between 9am and 9 pm for two years, Watchtower Bible and Tract Society v. Village of Stratton. Continued *Page 7*

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. *See Attachment page 8*

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/12/23

Signature of Plaintiff Charles Van Morgan  
Printed Name of Plaintiff Charles Van Morgan

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_  
Printed Name of Attorney \_\_\_\_\_  
Bar Number \_\_\_\_\_  
Name of Law Firm \_\_\_\_\_  
Street Address \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_



Continuation III. Statement of the claim

A Supporter of a democrat candidate, also holding a campaign sign, was in front of me closer to voters than me asking them to vote for the democratic candidate. She was even blocking me from some voters and I did not even try to get around her. I did not go past the 100 foot sign or never used any force or violence against any voter at any time.

I had only asked 3 people when an election official walked from the front doors of the building up to me. He did not want me to record him and refused to give his name. He had on a Hamilton county election emblem on his shirt with no name tag as required by Tennessee law TCA 2-7-111(c) The officer of elections shall have each official wear a badge with that official's name and official title. He accused me of harassing voters which I did not do and denied. The encounter is preserved on video.

Shortly after another election official came out the side door stood on the middle of the sidewalk stopping voters entering the building. After they had been stopped by him at least one voter who I had said nothing too because she parked on the other side of the parking lot, she while standing beside of the election official who had stopped her turned around, raised her hand looking at me raised her middle finger pointing it in my direction and smiling.

Shortly after police arrived and approached me aggressively while I was behind the 100 foot line and sign. I ask if I were free to leave which I was told no. A later identified as Sergeant Bender and several officers aggressive grabbed me threw me over the 100 feet line and sign. I could feel being struck in the side violently at least three times while I was not or had not resisted. I was told When arrested it was because I was over the 100 foot line when arrested although it was because I had been forced over violently and struck by Chattanooga Police Officers. Because of severe pain in my left side I requested medical attention. I was taken by ambulance to the hospital. In the ambulance my cuffs were so tight I could fell my wrist hurting with ever movement from the ambulance. I requested they be taken off or loosened but this was never done. At the hospital they determined I could have fractured ribs.

I was taken to Jail in Hamilton County Tennessee and detained until well after the polls had close not allowed to ask for votes there. After asking permission from jail staff an inmate sprayed an unknown dark substance on me from a plastic bottle. I was falsely charged with interfering with an election, disorderly conduct and resisting arrest.

The next day Scott Allen and election officials made false statements about me Charles Van Morgan to news media. He alleged I had refused to cooperate which I did not. I denied their false accusations and told them I was asking people to vote for me.

The Attorney Generals Office was contacted to ask them not to destroy any evidence and to obtain copies of all reports, evidence and video evidence they had in my case. On January 11, 2023 The attorney General Off of Coty Wamp refused to allow me access to accusations or any evidence in my case.

Attachment

IV Relief

1) Medical expenses and medical counseling \$10,000

2) Pain and suffering \$5,000

3) Out-of-pocket expense \$2,000 Damages and my 9mm Glock returned.

4) Humiliation 10,000

5) Harm to reputation 1,000,000

6) Punitive damages 3,000,0000

7) Attorney fees and costs. 50,000

Total 4,077,000

8) Release by prosecution of potentially "exculpatory" evidence or evidence that may be favorable to Charles Van Morgan and all relevant reports.



# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Knox  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Charles Van Morgan

### DEFENDANTS

County of Residence of First Listed Defendant Hamilton  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

### V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

U.S. Const. Amend 1 Freedom of Political  
Brief description of cause: Political candidate arrested for speech

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/12/23

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_