

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

CLIFFORD CHARLES TYLER

Case No. 12-523

Plaintiff,

v.

ERIC HOLDER, individually and as Attorney General of the United States; THE UNITED STATES DEPARTMENT OF JUSTICE, THE U.S. BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; B. TODD JONES, individually and as Acting Director of The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; THOMAS E. BRANDON, individually and as Deputy Director of the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; THE FEDERAL BUREAU OF INVESTIGATION, ROBERT S. MUELLER, III, individually and as Director of the Federal Bureau of Investigation, THE UNITED STATES OF AMERICA, KRISTE KIBBEY ETUE, individually and as Director of the Michigan State Police, THE HILLSDALE COUNTY SHERIFF'S OFFICE, STAN W. BURCHARDT, individually and as Sheriff of Hillsdale County, Michigan, and RICK SNYDER, individually and as Governor of the State of Michigan.

Defendants.

Lucas J. McCarthy (Michigan Bar No. P71113)
Hartwell Failey & McCarthy PLC
233 Fulton St. E, Ste. 104
Grand Rapids, MI 49503
Telephone: (616) 965-1088
Facsimile: (616) 459-9059
luke@hfmlaw.com
Attorney for Plaintiff

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

NOW COMES Plaintiff, Clifford Charles Tyler by and through his attorneys, Hartwell Failey &

McCarthy PLC, and for his Complaint states unto this Honorable Court as follows:

INTRODUCTION

1. This is an action to uphold the Constitutional right to keep and bear arms, which “guarantee[s] the individual right to possess and carry” firearms and “elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *District of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct. 2783, 2797, 2821 (2008).
2. However, in contravention to Plaintiff’s fundamental Second Amendment right to keep and bear arms, Defendants have collectively and separately prohibited a certain class of individuals from obtaining and possessing firearms; specifically, individuals who have been involuntarily committed are prohibited from acquiring or possessing a firearm under 18 U.S.C. § 922 (2006) and are not afforded any means to demonstrate following their release from commitment their fitness to regain their Second Amendment right to acquire and possess a firearm.
3. This ban on individuals acquiring and possessing firearms based solely on the fact of a past involuntary commitment is an overbroad infringement on the Second Amendment because there is no reasonable procedure pursuant to which an individual could regain their Second Amendment Rights upon demonstrating their current mental and emotional fitness.
4. As a consequence of this overbroad ban, sane, trustworthy, competent individuals that are not a threat to themselves or others and are not in any way mentally ill are forever prohibited from exercising their Second Amendment rights by the bare fact of a one-

time involuntary commitment without consideration of individual present circumstances.

THE PARTIES

5. Plaintiff Clifford Charles Tyler is a natural person, a citizen of the United States and of the State of Michigan, and a resident of Hillsdale County, Michigan. Plaintiff is not a risk to himself or to other people but was involuntarily committed once on January 2, 1986 on the belief that he might commit suicide during an emotionally devastating divorce. Plaintiff intends to acquire firearms both for personal protection and for recreation but is prevented from doing so by the Defendants' enforcement of the unconstitutionally broad ban complained of in this action. Specifically, Defendants have not permitted Plaintiff to demonstrate his current fitness and have instead prevented him from owning or possessing a firearm based solely on the one-time 1986 commitment. Plaintiff has in fact been unable to purchase or possess a firearm and fears arrest, criminal prosecution, incarceration, and fines if he were to do so.
6. Defendant Attorney General Eric Holder heads the United States Department of Justice ("Department of Justice"), which is the U.S. agency responsible for enforcement of federal criminal laws. Defendant Holder, in his capacity as Attorney General, is presently enforcing the unconstitutionally broad ban complained of in this Complaint. Defendant Holder also has ultimate authority for supervising all the functions of the Department of Justice and of the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), which is an arm of the Department of Justice.
7. Defendant Department of Justice is the agency principally enforcing the

- unconstitutionally broad prohibition under 18 U.S.C. § 922 (2006) preventing Plaintiff from obtaining a firearm based on the bare fact of a one-time involuntary commitment.
8. Defendant ATF is the arm of the Department of Justice responsible for prevention of federal offenses involving the use, manufacture, and possession of firearms, including the unconstitutionally broad ban challenged in this case. Defendant ATF also regulates, via licensing, the sale, possession, and transportation of firearms and ammunition in interstate commerce. ATF is currently enforcing the laws, customs, practices and policies complained of in this action.
 9. Defendant B. Todd Jones is the Acting Director of the ATF and, in that capacity, is presently enforcing the laws, customs, practices, and policies complained of in this action.
 10. Defendant Thomas E. Brandon is the Deputy Director of the ATF and, in that capacity, is presently enforcing the laws, customs, practices, and polices complained of in this action.
 11. Defendant Federal Bureau of Investigation (“FBI”) is an agency of the Department of Justice and is the agency primarily responsible through its NICS Section of performing background checks for federal, state, and local law enforcement authorities. Defendant FBI’s NICS Section is responsible in this case for communicating to Defendant Hillsdale County Sheriff’s Office that Plaintiff was prohibited from acquiring a firearm by the unconstitutionally broad ban complained of in this action. Defendant FBI is presently enforcing the laws, customs, practices,

- and polices complained of in this action.
12. Defendant Robert S. Mueller, III is the Director of the FBI and, in that capacity, is presently enforcing the laws, customs, practices, and polices complained of in this action.
13. Defendant United States of America is a proper defendant in this action pursuant to 5 U.S.C. § 702 (2006).
14. Defendant Col. Kriste Kibbey Etue is the Director of the Michigan Department of State Police and, in that capacity, is presently enforcing the laws, customs, practices, and policies complained of in this action.
15. Defendant Hillsdale County Sheriff's Office is the principle Hillsdale County, Michigan law enforcement agency enforcing the laws, customs, practices, and polices complained of in this action.
16. Defendant Sheriff Stan W. Burchardt is the Sherriff of Hillsdale County, Michigan and head of the Hillsdale County Sheriff's Office. In that capacity, he is presently enforcing the laws, customs, practices, and policies complained of in this action.
17. Defendant Rick Snyder is Governor of the State of Michigan and is required under Article V, §6 of the Michigan Constitution to oversee all departments of the State of Michigan and enforcement of laws within the state. In that capacity, he is presently enforcing the laws, customs, practices, and policies complained of in this action.

JURISDICTION AND VENUE

18. This case concerns certain subject matter under the original and exclusive jurisdiction of the federal courts of the United States of America.

19. This action seeks relief pursuant to 28 U.S.C. §§ 2201, 2202, and 2412 (2006), and 5 U.S.C. § 702 (2006). Therefore, jurisdiction is founded on 28 U.S.C. § 1331 (2006) in that this action arises under the Constitution and laws of the United States.
20. This Court has authority to award costs and attorney fees pursuant to 28 U.S.C. § 2412 (2006).
21. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e) (2006).

COMMON ALLEGATIONS

22. On January 2, 1986, Plaintiff was involuntarily committed by order of the Hillsdale County Probate Court for a period of time not to exceed 30 days (Order Following Hearing on Petition for Admission attached as Exhibit A).
23. The primary reason for commitment was a risk that Plaintiff might commit suicide due to an emotionally devastating divorce.
24. At that time in rural Hillsdale County, Michigan, no local treatment program was available, necessitating hospitalization outside Hillsdale County (*See* Exhibit A).
25. Plaintiff currently is not a risk to himself or to other people and does not have issues with substance abuse (Evaluation of Marianne A. Osentoski, PhD, LP attached as Exhibit B; Evaluation of Karen Rozelle, MA, LLPC attached as Exhibit C).
26. On or about February 7, 2011, Plaintiff attempted to purchase a firearm, but was informed by Defendant Hillsdale County Sheriff's Office that he was denied from obtaining a firearm.
27. Plaintiff subsequently requested a written explanation from Defendant Hillsdale County Sheriff's Office regarding his denial and in response was given a pamphlet

- entitled “Guide for Appealing a Firearm Transfer DENIAL” with a written in star next to the provision causing the denial of the firearm transfer (Pamphlet attached as Exhibit D).
28. The reason for the denial as indicated on said pamphlet was that upon a search of the National Instant Criminal Background Check System (NICS), Plaintiff’s name and/or similar descriptive features matched the following federally prohibitive criteria: “Persons adjudicated as a mental defective or involuntarily committed to a mental institution or incompetent to handle their own affairs” (Exhibit D).
29. The NICS is maintained and operated by Defendant FBI’s NICS Section.
30. On or about August, 2011, Plaintiff submitted an appeal of his denial to purchase a firearm with the NICS Section of Defendant FBI.
31. On or about September 8, 2011, Plaintiff received a letter from Defendant FBI indicating that Plaintiff’s appeal was under review but that the relevant “federal prohibition is under Title 18, United States Code, Section 922 (2006)(g)(4): A person who has been adjudicated as a mental defective or who has been committed to a mental institution” (Letter dated September 8, 2011 attached as Exhibit E).
32. On or about September 30, 2011, Counsel, as attorney for Plaintiff, mailed a letter to the NICS Section of Defendant FBI providing additional information on Plaintiff’s circumstances (Letter dated September 30, 2011 attached as Exhibit F).
33. On or about January 6, 2012, the NICS Section of Defendant FBI mailed a letter confirming that Plaintiff was federally prohibited from acquiring a firearm under 18 § 922(g)(4) (Letter Dated January 6, 2012 attached as Exhibit G).

34. Said letter dated January 6, 2012 further provided that “[u]ntil your state has an ATF approved relief from disabilities program in place your federal firearm rights may not be restored” (Exhibit G).

35. 18 U.S.C. § 922(g) (2006) provides the following:

“(g) It shall be unlawful for any person—

...

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

...

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.”

36. Under 18 U.S.C. § 925(c) (2006), an individual prohibited from acquiring a firearm may apply to the Attorney General for relief from the prohibition, which the Attorney General may grant if “the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.”

37. Defendant ATF has promulgated a rule detailing the manner that a review under 18 U.S.C. § 925(c) (2006) may be sought. 27 C.F.R. § 478.144 (2011).

38. However, notwithstanding the provisions of 18 U.S.C. § 925(c) (2006) and 27 C.F.R. § 478.144 (2011), which purport to provide a means to request relief for an individual prohibited from acquiring a firearm, The United States Congress has specifically denied any funding “to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 922(c).” The Consolidated Appropriations Act, 2010, Pub. L. No. 111–117, 123 Stat. 3034, 3128.

39. Due to the above lack of funding, Defendant ATF does not in fact provide any review under 18 U.S.C. § 925(c) (2006) to provide relief from a federal prohibition on acquiring or possessing a firearm.
40. Because Defendant ATF does not provide a review for relief from a federal prohibition on acquiring or possessing a firearm, Plaintiff cannot avail himself of any federal procedure to regain his Second Amendment rights on the grounds that he does not present a threat to himself or others.
41. Under the NICS Improvement Amendments Act of 2007 (NIAA), Congress provided an alternate route for relief from a federal prohibition on acquiring a firearm in which the various states may elect to provide an ATF-approved program to review, approve, or deny applications for such relief. NICS Improvement Amendments Act of 2007, Pub. L. 110-180, 121 Stat. 2559, 2569-70.
42. To date, the State of Michigan has failed to institute such an ATF-approved program, and Plaintiff cannot therefore avail himself of any state or federal procedure providing relief from a federal prohibition on acquiring a firearm (*See Exhibit G*).

COUNT I: SECOND AMENDMENT VIOLATION

43. Plaintiff hereby incorporates by reference paragraphs one (1) through forty-two (42) as though fully set forth herein.
44. Defendants Eric Holder, the Department of Justice, the ATF, B. Todd Jones, Thomas E. Brandon, the FBI, Robert S. Mueller, III, and the United States of America have, together and separately, violated Plaintiff's Second Amendment rights.
45. 18 U.S.C. § 922(g)(4) (2006) prohibits any individual who has ever been involuntarily

- committed—without regard to the reason for the commitment or the present circumstances of the individual—from purchasing and possessing a firearm.
46. Notwithstanding 18 U.S.C. § 925(c) (2006), no federal relief from the federal prohibition under 18 U.S.C. § 922(g)(4) (2006) in fact exists due to an explicit congressional denial of any use of funds for such relief.
47. Notwithstanding the NIAA, no state relief from the federal prohibition under 18 U.S.C. § 922(g)(4) (2006) exists in Michigan due to Michigan’s failure to provide for a procedure for such relief.
48. These federal laws and policies prohibiting Plaintiff from acquiring a firearm and providing for no review of the prohibition because of a lack of federal funding and reliance upon a nonexistent state program constitute an over-broad infringement and an impermissible burden upon Plaintiff’s right to keep and bear arms under the Second Amendment to the United States Constitution.
49. As a direct and proximate result of the above infringement and impermissible burden on Plaintiff’s Second Amendment rights, Plaintiff has suffered and continues to suffer from an unlawful deprivation of his fundamental constitutional right to keep and bear arms.
50. Plaintiff has incurred attorney’s fees and costs as a direct result of prosecuting the present court action.

COUNT II: FIFTH AMENDMENT DUE PROCESS VIOLATION

51. Plaintiff hereby incorporates by reference paragraphs one (1) through fifty (50) as though fully set forth herein.

52. Defendants Eric Holder, the Department of Justice, the ATF, B. Todd Jones, Thomas E. Brandon, the FBI, Robert S. Mueller, III, and the United States of America have, together and separately, violated Plaintiff's rights under the Due Process Clause of the Fifth Amendment.
53. The unconstitutionally broad ban on a certain class of individuals—individuals who have been involuntarily committed—acquiring a firearm without providing for a means to seek review and relief from such ban violates Plaintiff's right to equal protection of the laws guaranteed under the Due Process Clause of the Fifth Amendment to the United States Constitution.
54. In violation of the Plaintiff's right to due process, Plaintiff has been deprived of his Second Amendment right to keep and bear firearms without being afforded notice and an opportunity to be heard on the matter prior to the deprivation and/or through a post-deprivation proceeding to seek review and relief from the deprivation.
55. As a direct and proximate result of the above infringement and impermissible burden on Plaintiff's Second Amendment rights, Plaintiff has suffered and continues to suffer from an unlawful deprivation of his fundamental constitutional right to keep and bear arms.
56. Plaintiff has incurred attorney's fees and costs as a direct result of prosecuting the present court action.

COUNT III: FOURTEENTH AMENDMENT EQUAL
PROTECTION AND DUE PROCESS VIOLATION

57. Plaintiff hereby incorporates by reference paragraphs one (1) through fifty-seven (57)

as though fully set forth herein.

58. Defendants Col. Kriste Kibbey Etue, the Hillsdale County Sherriff's Office, Sheriff Stan W. Burchardt, and Rick Snyder have, together and separately, violated Plaintiff's rights under the Fourteenth Amendment.
59. The unconstitutionally broad ban and enforcement thereof complained of in this action violates Plaintiff's right to keep and bear arms as incorporated against the states under the Fourteenth Amendment to the United States Constitution.
60. The unconstitutionally broad ban on a certain class of individuals—individuals who have been involuntarily committed—acquiring a firearm without providing for a means to seek review and relief from such ban violates Plaintiff's right to equal protection of the laws guaranteed under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
61. In violation of the Plaintiff's right to due process under the Due Process Clause of the Fourteenth Amendment, Plaintiff has been deprived of his right to keep and bear firearms without being afforded notice and an opportunity to be heard on the matter prior to the deprivation and/or through a post-deprivation proceeding to seek review and relief from the deprivation.
62. As a direct and proximate result of the above infringement and impermissible burden on Plaintiff's Second Amendment rights, Plaintiff has suffered and continues to suffer from an unlawful deprivation of his fundamental constitutional right to keep and bear arms.
63. Plaintiff has incurred attorney's fees and costs as a direct result of prosecuting the

present court action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in his favor and against Defendants as follows:

- A. Declare that 18 U.S.C. § 922(g)(4) (2006), its derivative regulations, and all related laws, policies, and procedures violate Plaintiff's right to keep and bear arms as secured by the Second Amendment to the United States Constitution.
- B. Declare that 18 U.S.C. § 922(g)(4) (2006), its derivative regulations, and all related laws, policies, and procedures violate Plaintiff's rights to equal protection and due process under the Due Process Clause of the Fifth Amendment to the United States Constitution.
- C. Declare that enforcement of 18 U.S.C. § 922(g)(4) (2006), its derivative regulations, and all related laws, policies, and procedures violates Plaintiff's rights to equal protection and due process under the Fourteenth Amendment to the United States Constitution.
- D. Permanently enjoin the Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them from enforcing against Plaintiff 18 U.S.C. § 922(g)(4) (2006) and all its derivative regulations, and all related laws, policies, and procedures that would impede or criminalize Plaintiff's exercise of his right to keep and bear arms—unless Plaintiff is afforded an opportunity to demonstrate his fitness and thereby seek relief from 18 U.S.C. § 922(g)(4) (2006) and all related laws, derivative regulations, policies, and procedures.

E. Award Plaintiff costs and attorney's fees and expenses to the extent permitted under 28 U.S.C. § 2412 (2006).

F. Grant such other and further relief as the Court deems just and proper.

Dated this 21st day of May, 2012.

Respectfully Submitted by:

HARTWELL FAILEY & MCCARTHY PLC

By: /s/ Lucas J. McCarthy
Lucas J. McCarthy, Esq.
Michigan Bar No. P71113
233 Fulton St. E, Ste. 104
Grand Rapids, MI 49503
Telephone: (616) 965-1088
Facsimile: (616) 459-9059
luke@hfmlaw.com
Attorney for Plaintiff

EXHIBIT A

Approved by the Michigan State Court Administrator
and the Department of Mental Health

JDC CODE: ORD

STATE OF MICHIGAN PROBATE COURT COUNTY OF HILLSDALE	ORDER FOLLOWING HEARING ON PETITION FOR ADMISSION	FILE NO.
---	---	----------

In the matter of CLIFFORD C. TYLER, JR.

1. Date of hearing: January 2, 1986 Judge of Probate: ALBERT J. NEUKOM

2. A petition has been filed by Tamara Marie Tyler asserting that the above named individual is a person requiring treatment.

3. The Court finds that notice of hearing has been given according to law.

4. The individual who is the subject of the petition was present in court with without a jury. Also present were:

Gerald Dennev, attorney for the individual, and
James Havne, attorney for the petitioner.

5. Testimony of a physician was waived in open court by the individual and the individual's attorney.

6. Testimony was given by Tamara Tyler, Respondent, Dr.

Stipulation

THE COURT FINDS:

7. By clear and convincing evidence, the individual is a person requiring treatment because the individual is mentally ill, and as a result of that mental illness:

can be reasonably expected within the near future to intentionally or unintentionally seriously physically injure self or others, and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation.

is unable to attend to those basic physical needs that must be attended to in order to avoid serious harm in the near future, and has demonstrated that inability by failing to attend to those basic physical needs.

whose judgment is so impaired the individual is unable to understand the need for treatment. Continued behavior as the result of this mental illness can reasonably be expected, on the basis of competent medical opinion, to result in significant physical harm to self or others.

Yosilanti Regional Center hospital can provide treatment which is adequate and appropriate to the individual's condition.

There is is not a treatment program other than hospitalization adequate to meet the person's treatment needs.

8. The individual is not a person requiring treatment.

(PLEASE SEE OTHER SIDE)

Do not write below this line. For court use only

IT IS ORDERED that the individual:

9. be hospitalized in the hospital mentioned above for a period not to exceed 60 days.

10. undergo a treatment program for a period not to exceed 90 days as follows:

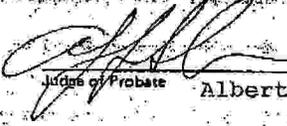
hospitalization in the above mentioned hospital for a period not to exceed 30 days, but in no event more than 60 days, and thereafter:

alternative treatment, under the supervision of Paul Scism or as follows:

Personnel at Foote Hospital of Aurora
Ill.

11. is not a person requiring treatment.

January 2, 1986

Date: 
Judge of Probate Albert J. Neukom

BY  JAN 2 1986

EXHIBIT B

Hillsdale Psychological Institute, PLLC

**37 Waldron Street
Hillsdale, Michigan 49242
Phone: 517-439-4596 Fax: 517-439-4597**

EVALUATION FOR CONCEALED WEAPONS PERMIT

NAME: CLIFFORD C. TYLER

DOB: 12-02-41

DOE: 03-12-12, 03-15-12, 03-27-12

REASON FOR REFERRAL:

Mr. Tyler referred himself for an evaluation in order to have his record cleared, and obtain a permit for a concealed weapon, following an involuntary psychiatric hospitalization thirty-two years ago, in 1985.

BACKGROUND INFORMATION:

Mr. Tyler is a seventy year old male who sought out an evaluation when he was denied a permit to carry a concealed weapon. This reportedly was based on the fact that he had a history of an involuntary commitment twenty-five years ago for "depression with suicidal thoughts". The incident in question occurred in 1985 when Mr. Tyler's first wife filed for divorce. The petition and physician's certificate are illegible in some parts as are the signatures of the physicians. However, it appears that Mr. Tyler was "depressed and suicidal at this time, not sleeping, crying non-stop, and wanting to commit suicide". The petition further ordered that Mr. Tyler be transferred to Ypsilanti Regional Center for an evaluation. Mr. Tyler is unsure as to the time period for which he was held. Records for this hospitalization are unavailable as Ypsilanti State Hospital closed many years ago. He reported that there was no follow-up therapy upon discharge, nor was he medicated. It is important to note that this is a rural area and there were limited mental health services available in the mid 1980's.

Mr. Tyler stated that he has never received psychotropic medication. He said that he has never experienced a depressive episode other than the aforementioned. He does not abuse alcohol or street drugs. Mr. Tyler does not have a criminal history. Mr. Tyler has never received a head injury. However, it is important to note that two years prior to the above incident, he was involved in a traumatic motor vehicle accident where both of his arms and both of his legs were broken. He was allegedly hospitalized for a lengthy period of time and then confined to a wheelchair for the next two years. Once he was able, Mr. Tyler returned to the workforce.

Mr. Tyler remarried thirteen years ago. He has a close relationship with his two daughters from his first marriage, "and I even have Christmas with my ex-wife and her husband". Mr. Tyler has suffered from prostate cancer and melanoma. His physician was contacted by this examiner and she stated that she has not noticed any type of mental

illness with Mr. Tyler. Her letter should be attached to this report or will be sent separately to Mr. Tyler's attorney.

Mr. Tyler enjoys shooting pistols competitively. He is attempting to obtain a permit for carrying a concealed weapon. Prior to applying for this permit, he has used guns as a hobby, with no incident of harm to himself or others. Mr. Tyler stated that he has "always had guns" and never was informed that he could not have them in his possession.

MENTAL STATUS AND PERSONALITY TESTING:

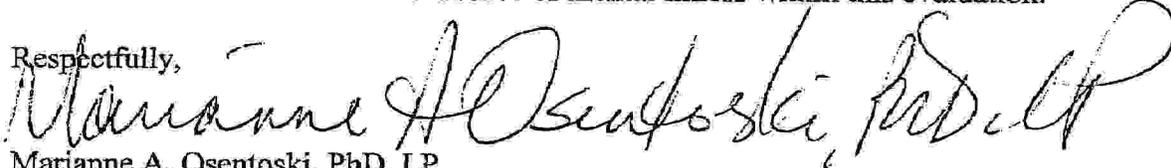
Mr. Tyler arrived to the evaluation sessions well groomed and appearing his stated age. He was oriented times 3, with no evidence of thought disorder. Furthermore there was no evidence of hallucinatory phenomena. Cognitive ability appeared to be in the average range. Mr. Tyler displayed good short-term memory; however, due to age, he had some difficulties remembering specific dates relating back twenty-five to thirty-five years.

Results of the Minnesota Multiphasic Personality Inventory-2 revealed that persons who scored such as Mr. Tyler were defensive and possibly naïve to the test-taking process to the extent that the results were invalid. Mr. Tyler did not complete high school. He has no education past high school. He admitted to some problems with comprehension. It is the belief of this examiner that the results were rendered invalid due to Mr. Tyler's lack of education, issues with comprehension, and difficulties with the test-taking process.

SUMMARY:

Mr. Tyler sought out an evaluation due to his current inability to obtain a concealed weapons permit based on the fact that he was committed to a psychiatric hospital in 1985. Mr. Tyler has no other history of mental illness other than what occurred in 1985. This appeared to be a brief reactive depressive episode in response to his wife divorcing him. He does have the papers from the petition, but further records have most probably been destroyed and are not accessible. This examiner contacted his primary care physician who stated that she has not seen evidence of a mental illness. He does not use street drugs or abuse alcohol. He has been using weapons competitively and has caused no harm to himself or others. There is no evidence of mental illness within this evaluation.

Respectfully,



Marianne A. Osentoski, PhD, LP
Licensed Psychologist

EXHIBIT C

McCULLOUGH, VARGAS AND ASSOCIATES, INC.

BEHAVIORAL HEALTH SERVICES

110 Reading Ave.
JONESVILLE, MI 49250
PHONE (517) 849-2333
FAX (517) 849-2906

January 16, 2012

Substance Abuse Evaluation

Name: Clifford Tyler
DOB: 12/2/1941 (70)

Presenting Situation:

Clifford Tyler is a 70 year old Caucasian male who was referred to McCullough, Vargas and Associates, Inc. for a substance abuse evaluation by his attorney McCarthy Lucas. Clifford reported that he is seeking to obtain a Concealed Weapons Permit and his application was denied on December 8, 2010 by the Concealed Weapons Licensing Board. Clifford stated that the board found him in violation of the Firearm Laws of Michigan based on a Mental Illness Order that was entered in the Hillsdale County Probate Court on January 2, 1986. Clifford reported that in the summer of 2011 he completed a concealed weapons class, paid \$110.00 at the Hillsdale County Courthouse and was denied because he was institutionalized 28 years ago. Clifford stated that when he went to the county meeting the sheriff called him a liar. Clifford reported that an FBI report was run on him and his lawyer was sent the results which did not show anything on him.

Clifford reported that the reason he is seeking a Concealed Weapons Permit is because he goes to gun shows where he swaps and trades guns on the weekends. He stated that right now he can't get a permit on guns, be in possession of them, transport them or hunt with them.

Alcohol/Drug Use History:

Alcohol – Clifford stated that he first drank alcohol at the of 22-23, drinking one beer a week. He stated that he would not drink more than a 6-pack in a month. Clifford reported that his last drink of alcohol was on Christmas of 2011.

Test Interpretation:

Clifford scored a zero (0) on the Michigan Alcohol Screening Test (MAST) and a zero (0) on the Drug Abuse Screening Test (DAST-20). Clifford's score on the MAST does not indicate a problem with alcohol use, and his score on the DAST indicates that it is not suggestive of a drug use problem.

Personal History:

Clifford reported that he grew up in the Detroit area from ages 1-14 years old. He stated that he then moved to Hillsdale and has been here ever since. Clifford stated that he attended school in the Hillsdale School system. He reported that he lived on a farm in a

Clifford Tyler
January 16, 2012
Page 2

two-parent home. He stated that he has two sisters, one older & one younger, and he has one younger brother. Clifford stated he feels that he had a good childhood. Clifford reported that he is not aware of any mental illness or addictions that family members may have.

Clifford reported that he worked for Plymouth Flush Door from the age of 17-35 years old. He stated that he got married at the age of 22 and was married for 23 years. He reported that he has two daughters from this marriage, and he got a divorce at the age of 45 years old. Clifford stated that he has a good relationship with his daughters who live in Jackson.

Clifford reported that when he was a semi-truck driver for Plymouth Flushing when he had a bad accident. He reported that he was totally disabled and was in a wheel chair for 2 ½ years. Clifford stated that since he couldn't work his wife took a job at the Jackson prison. He stated that he took a settlement from the insurance company of \$60-70,000. Clifford stated that his wife told him that she was going to stay in Jackson since it was closer to her work. Clifford reported that his wife borrowed money from her mother and then left him and their daughters. He stated that she ran away with another man and six months later she contacted Clifford asking him to file bankruptcy with her.

Clifford stated that his wife had gone through all his money, taking everything and he had to go to Hillsdale State Savings Bank where he made arrangements to get a loan to help him financially. Clifford reported that at this time he was feeling very overwhelmed with his situation. He stated that when he was served his divorce papers in 1985, 27 years ago, he sat in the middle of the floor at home pounding his head. He stated that his daughters got scared and called the police. Clifford reported that the police believed he was mentally ill and took him to the Sheriff's Department, contacting his 18 year old daughter to assist them with the necessary steps to have him go to a Psychological Facility for an evaluation.

Clifford reported that he was transported to the Ypsilanti Regional Center for a psychological evaluation. Reports that were provided by Clifford state that he had bruises on his head and face. The reports also state that he had suicidal thoughts, was depressed, sobbing, shaking and had not been sleeping. Clifford reported that he was in the Psyche Ward at the Center for 2-4 weeks. He stated that he refused the medications they prescribed because he feared that they would mess up his thinking.

Clifford reported that after he returned home he returned to work for R & D Express, giving up his disability money and working for another 18-19 years. Clifford stated that with the help of Hillsdale State Savings Bank he consolidated his bills to help himself and his daughters financially.

Clifford Tyler
January 16, 2012
Page 3

Legal History: Clifford reported no past legal involvement.

Diagnostic Impression: Clifford does not meet the DSM-IV- TR criteria for a substance abuse diagnosis.

Recommendations:

From all the information the client provided it does not appear that the client has a substance abuse problem and therefore no recommendations are being made regarding substance abuse treatment.

Respectfully,

Karen Rozelle, MA, LLPC

Karen Rozelle, MA, LLPC
Substance Abuse Counselor

This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulation (42 CFR, Part 2) prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute the patient.

UAL MR301

EXHIBIT D

NICS

What Prohibits an Individual From the Transfer or Possession of a Firearm?

A delay or deny message from the NICS indicates that either you or another individual with a similar name and/or similar descriptive features has been matched with one or more of the following federally prohibitive criteria:

- Persons convicted of/under indictment (or information) for a crime punishable by imprisonment for a term exceeding one year, whether or not sentence was imposed. This includes misdemeanor offenses with a potential term of imprisonment in excess of two years, whether or not sentence was imposed.
- Persons who are fugitives from justice (the subject of an active warrant).
- An unlawful user and/or an addict of any controlled substance.
- Persons adjudicated as a mental defective or involuntarily committed to a mental institution or incompetent to handle their own affairs.
- An alien illegally/unlawfully in the United States, with the exception of non-immigrants pursuant to Subsection (y)(2).
- Persons dishonorably discharged from the United States Armed Forces.
- A renouncer of United States citizenship.
- The subject of a protective order.
- Persons convicted of a misdemeanor crime of domestic violence.

NICS Section Information:

Facsimile
1-888-550-6427

Telecommunications
Device for the Deaf (TDD)
1-877-NICS-TTY

NICS Web Site
www.fbi.gov/hq/cjisd/nics/index.htm

NICS Appeals E-Mail
Address
nicsappeals@leo.gov

NICS E-mail Address
a_nics@leo.gov

NICS Customer Service
1-877-444-NICS (6427)

NICS



Guide For Appealing A Firearm Transfer DENIAL

*Your Rights and
Responsibilities*

To be provided by the FFL
NTN: 1SS5-YVB

If you have been denied by a Federal Firearms Licensee (FFL) from receiving a firearm/firearm permit because of a record in the FBI's National Instant Criminal Background Check System (NICS), you may submit a request to appeal your denial decision. The provisions for appeals are outlined by the NICS Regulations at 28 Code of Federal Regulations, Part 25.10 and Subsection 103 (f) and (g) and Section 104 of the Brady Handgun Violence Prevention Act (Brady Act) of 1993.

Requesting The Reason For Your Denial

You may request the reason for your denial by writing to:

Federal Bureau of Investigation
NICS Section
Appeal Services Team, Module A-1
Post Office Box 4278
Clarksburg, WV 26302-9922

You must include your complete mailing address in the request. You may also submit your request by facsimile or by e-mail. (See reverse side for the NICS facsimile number and e-mail address.)

You must include your NICS Transaction Number (NTN) with your written request. The NTN can be obtained from the FFL.

The NICS Appeal Services Team (AST) **cannot** initiate an appeal for you at the request of another individual without your written *and* signed authorization.

You may submit your fingerprints, which **must** be rolled by a law enforcement agency, with your initial written correspondence. *The submission of fingerprints with your initial written request may hasten the appeal process.*

The NICS AST will respond to your written request by providing the reason for your denial within five business days **after** receiving your correspondence.

Appealing your Denial

The following information outlines the steps you must take to either challenge your record or make a claim that the record used as the basis for your **denial** pertains to someone other than you.

Questions of Identity

In cases involving criminal history records, if fingerprints are not submitted with your initial request, you may be required to submit your fingerprints to establish *positive proof* of your identity. If your fingerprints are required by the NICS Section and you wish to further the appeal process, you must have your fingerprints rolled by a local law enforcement agency. The law enforcement agency rolling your fingerprints **must stamp** its agency name, address and telephone number on the fingerprint card *and* the reason fingerprinted must be marked "For NICS Purposes."

Record Challenges

You may challenge the accuracy of the record used in the evaluation of your denial or declare that your rights to obtain a firearm have been restored, etc. If you have any additional information (e.g., court documentation) that may assist the NICS AST in correcting or updating the record, you should attach the information to your written correspondence. The NICS AST will evaluate your information and provide you with its decision on your appeal **in writing**.

If the NICS AST is unable to resolve your appeal, **you will be provided** information to contact the agency that created the record. For correction of the record, you must follow procedures established by the state or federal agency that maintains the original record. The FBI, as custodian of arrest information that has been submitted voluntarily by local, state and federal law enforcement agencies, does not have the authority to change such records **unless** notified to do so by an authorized criminal justice agency.

You may submit *any* information to the originating agency that would assist with the correcting and/or updating of your record. (*This may also hasten the appeal process.*)

If the **originating agency** corrects your record, the NICS AST must be notified and provided documentation indicating such. The NICS AST will verify and evaluate the information and provide you with its decision on your appeal **in writing**.

Appeal Inquiry

Any inquiry concerning your appeal should be directed to the NICS AST **in writing**. Due to the Privacy Act of 1974, the NICS Section cannot disseminate *specific* information to you via the telephone.

Successful Appeal

If your appeal is successful, you will be notified by the NICS AST that your denial has been overturned and that you are eligible to receive a firearm. You will be issued a letter, which **must** be presented to the FFL who initiated your background check.

EXHIBIT E



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

September 8, 2011

Mr. Clifford Charles Tyler
4110 Dawn Drive
Hillsdale, MI 49242

SUBJECT: ~~Firearm Appeal~~
National Instant Criminal Background Check
System (NICS) Transaction
Number (NTN)-1SS5WVP (Correct)
(NTN)-1SS5YVB (Incorrect)

Dear Mr. Tyler:

This letter is in response to your inquiry concerning your denial to purchase or redeem a firearm. By way of background, during a NICS check, our computer system searches several databases which contain records of persons with disqualifying conduct. As a name- and descriptive-based system, the computer program is designed to screen individuals within certain name and descriptive data parameters. A deny indicates the subject of the background check has been matched with a prohibiting record containing a similar name and/or similar descriptive features. Your transaction's federal prohibition is under Title 18, United States Code, Section 922(g)(4): A person who has been adjudicated as a mental defective or who has been committed to a mental institution.

In addition to your initial appeal inquiry, the Appeal Services Team (AST) of the FBI Criminal Justice Information Services (CJIS) Division's NICS Section is also in receipt of your fingerprint card. As your denied transaction is currently under appeal, your fingerprint card has been forwarded to the appropriate personnel for further processing and evaluation. If your fingerprints do not match the record(s) used in the evaluation of your denial, you will be notified. If the fingerprint comparison is identical, you will receive information regarding the record(s) on which the denial is based.

If you are in possession of any documentation and would like to submit it to the NICS Section you may mail it to

Mr. Clifford Charles Tyler

the CJIS Division, NICS Section, Appeal Services Team,
Post Office Box 4278, Clarksburg, West Virginia 26302-4278.
Please ensure your submission contains your NTN.

Once a disqualifier has been confirmed, the AST will not review other records for additional disqualifiers. However, should your appeal be successful on the initially denied record, the AST will examine any additional records for disqualifying information which may result in sustaining the denial.

If you have any questions regarding this communication, you may contact the NICS Section's Customer Service at 1-877-FBI-NICS (324-6427).

NICS Section
CJIS Division

2/3
5

2

EXHIBIT F

HARTWELL FAILEY & MCCARTHY, PLC

Attorneys at Law

William H. Hartwell

William C. Failey

Lucas J. McCarthy

233 Fulton St. E.
Suite 104
Grand Rapids, MI 49503

Telephone: 616-965-1088
Facsimile: 616-459-9059
www.hartwellfaileylaw.com

September 30, 2011

CJIS Division, NICS Section
Appeal Services Team
Post Office Box 4278
Clarksburg, West Virginia 26302-4278

RE: Firearm Appeal
Mr. Clifford Tyler
NTN 1SS5WVP

To Whom It May Concern:

Please be advised that I represent Mr. Clifford Tyler in regards to a pending Firearm appeal (see attached letter from NICS). Mr. Tyler has signed an authorization to release confidential information (see attached) so that you may discuss this appeal with me. Also attached is a certified copy of a 1986 order of the Probate Court for Hillsdale County, Michigan pursuant to which Mr. Tyler was hospitalized for a period not to exceed 30 days. At the time, Mr. Tyler was going through a difficult divorce. His family was concerned that Mr. Tyler was suicidal and sought an order hospitalizing him so that he could be monitored. After his brief hospitalization, Mr. Tyler was released and has not been hospitalized since. He is happily remarried and is not currently subject to any order committing him, declaring him to be a mental defective, or requiring him to receive any sort of treatment in relation to his mental health.

I look forward to discussing this case with you.

Sincerely,



Lucas J. McCarthy

cc: Clifford Tyler



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

September 8, 2011

Mr. Clifford Charles Tyler
4110 Dawn Drive
Hillsdale, MI 49242

SUBJECT: ~~Firearm Appeal~~
National Instant Criminal Background Check
System (NICS) Transaction
Number (NTN)-1SS5WVP (Correct)
(NTN)-1SS5YVB (Incorrect)

Dear Mr. Tyler:

This letter is in response to your inquiry concerning your denial to purchase or redeem a firearm. By way of background, during a NICS check, our computer system searches several databases which contain records of persons with disqualifying conduct. As a name- and descriptive-based system, the computer program is designed to screen individuals within certain name and descriptive data parameters. A deny indicates the subject of the background check has been matched with a prohibiting record containing a similar name and/or similar descriptive features. Your transaction's federal prohibition is under Title 18, United States Code, Section 922(g)(4): A person who has been adjudicated as a mental defective or who has been committed to a mental institution.

~~In addition to your initial appeal inquiry, the Appeal Services Team (AST) of the FBI Criminal Justice Information Services (CJIS) Division's NICS Section is also in receipt of your fingerprint card. As your denied transaction is currently under appeal, your fingerprint card has been forwarded to the appropriate personnel for further processing and evaluation. If your fingerprints do not match the record(s) used in the evaluation of your denial, you will be notified. If the fingerprint comparison is identical, you will receive information regarding the record(s) on which the denial is based.~~

If you are in possession of any documentation and would like to submit it to the NICS Section you may mail it to

should your appeal be successful on the initially denied record, the AST will examine any additional records for disqualifying information which may result in sustaining the denial.

If you have any questions regarding this communication, you may contact the NICS Section's Customer Service at 1-877-FBI-NICS (324-6427).

NICS Section
CJIS Division

2/3
5
2

**AUTHORIZATION TO RELEASE CONFIDENTIAL
AND OTHER INFORMATION**

To Whom It May Concern:

In connection with certain legal services being performed for me, I hereby authorize
the U.S. Dept of Justice, FBI, and the NICS section, CJIS Division
_____ to disclose to my attorney,

Lucas J. McCarthy, any confidential information about myself or any other information of any kind,
of which it may have record of or opinion on specifically in regard to myself. Specifically, I
authorize any and all communication of any confidential information of any kind relating to an
ongoing firearm denial appeal currently pending regarding the following denied firearm
transfer: NTN 1555 WVP.

Dated: 9/23/11

Clifford Tyler
Clifford Tyler

Approved by the Michigan State Court Administrator
and the Department of Mental Health

JDC CODE: ORD

STATE OF MICHIGAN PROBATE COURT COUNTY OF HILLSDALE	ORDER FOLLOWING HEARING ON PETITION FOR ADMISSION	FILE NO.
---	---	----------

In the matter of CLIFFORD C. TYLER, JR.

1. Date of hearing: January 2, 1986 Judge of Probate: ALBERT J. NEUKOM

2. A petition has been filed by Tamara Marie Tyler asserting that the above named individual is a person requiring treatment.

3. The Court finds that notice of hearing has been given according to law.

4. The individual who is the subject of the petition was present in court with without a jury. Also present were:
Gerald Dennev, attorney for the individual, and
James Havne, attorney for the petitioner.

5. Testimony of a physician was waived in open court by the individual and the individual's attorney.

6. Testimony was given by Tamara Tyler, Respondent, Dr.

Stipulation

THE COURT FINDS:

- By clear and convincing evidence, the individual is a person requiring treatment because the individual is mentally ill, and as a result of that mental illness:
 - can be reasonably expected within the near future to intentionally or unintentionally seriously physically injure self or others, and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation.
 - is unable to attend to those basic physical needs that must be attended to in order to avoid serious harm in the near future, and has demonstrated that inability by failing to attend to those basic physical needs.
 - whose judgment is so impaired the individual is unable to understand the need for treatment. Continued behavior as the result of this mental illness can reasonably be expected, on the basis of competent medical opinion, to result in significant physical harm to self or others.

Ypsilanti Regional Center hospital can provide treatment which is adequate and appropriate to the individual's condition.

There is is not a treatment program other than hospitalization adequate to meet the person's treatment needs.

8. The individual is not a person requiring treatment.

(PLEASE SEE OTHER SIDE)

Do not write below this line - For court use only
I certify that I have compared this copy with the original on file in this court and that it is a correct copy of the whole of such original.

September 29, 2011
Hillsdale County, Mich. Probate Court
Oliver Sinton
Register

IT IS ORDERED that the individual:

9. be hospitalized in the hospital mentioned above for a period not to exceed 60 days.

10. undergo a treatment program for a period not to exceed 90 days as follows:

hospitalization in the above mentioned hospital for a period not to exceed 30 days, but in no event more than 60 days, and thereafter:

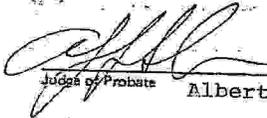
alternative treatment, under the supervision of Paul Sciamor as follows:

Personnel at Fodie Hospital, Jackson
Miss

11. is not a person requiring treatment.

January 2, 1986

Date



Judge of Probate

Albert J. Neukom

BY lp
F.
JAN 2 7

EXHIBIT G



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

January 6, 2012

Lucas J. McCarthy, Esq.
Suite 104
233 Fulton Street, East
Grand Rapids, MI 49503

SUBJECT: Firearm Appeal
National Instant Criminal Background Check
System (NICS) Transaction
Number (NTN)-1SS5WVP
Mr. Clifford Charles Tyler

Dear Mr. McCarthy:

This letter is in response to your inquiry concerning Mr. Tyler's denial to purchase or redeem a firearm. The fingerprints submitted cannot be compared with the record used in the evaluation of your client's firearm purchase or pawn redemption. The record used for the denial is not fingerprint based. Mr. Tyler's fingerprint card is being returned along with the court document. By way of background, during a NICS check, our computer system searches several databases which contain records of persons with disqualifying conduct. As a name- and descriptive-based system, the computer program is designed to screen individuals within certain name and descriptive data parameters. A deny indicates the subject of the background check has been matched with a prohibiting record containing a similar name and/or similar descriptive features. Your transaction's federal prohibition is under Title 18, United States Code, Section 922(g)(4): A person who has been adjudicated as a mental defective or who has been committed to a mental institution.

On January 8, 2008, President George W. Bush signed the NICS Improvement Amendments Act of 2007 (NIAA). This act provides states with the ability to pursue an ATF-approved relief of disability for individuals adjudicated as a mental

Lucas J. McCarthy, Esq.

defective or who have been committed to a mental institution. The NICS Section continues to work with state agencies regarding the requirements of the NIAA. Several states are currently working toward a relief process that will meet the Bureau of Alcohol Tobacco and Firearms and Explosives (ATF) criteria. States must certify to the Attorney General, they have implemented a relief from disabilities program that provides persons who have been adjudicated as a mental defective or involuntarily committed to a mental institution an opportunity to seek relief from a firearms disability. Many states have such a relief in draft and are working with the ATF to ensure compliance with the requirements of the NIAA.

Most state reliefs do not qualify to restore firearm rights at the federal level. Until your state has an ATF approved relief from disabilities program in place your federal firearm rights may not be restored. Currently, the only states with a qualified relief in place are Arizona, Connecticut, Florida, Idaho, Illinois, Kentucky, Nevada, New Jersey, New York, North Dakota, Oregon, Texas, Virginia, and Wisconsin.

If you have any questions regarding this communication, you may contact the NICS Section's Customer Service at 1-877-FBI-NICS (324-6427).

NICS Section
CJIS Division

Enclosure (2)

SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.
ERIC HOLDER, et al.

TO: Eric Holder
ADDRESS: Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS:

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for Eric Holder was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: U.S. Department of Justice
ADDRESS: U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for U.S. Department of Justice was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: Bureau of Alcohol, Tobacco, Firearms & Explosives
ADDRESS: ATF
99 New York Avenue, NE
Washington, DC 20226

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for Bureau of Alcohol, Tobacco, Firearms & Explosives was received by me on _____.
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____.
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____, on _____.
(name of organization) (date)

I returned the summons unexecuted because _____.

Other *(specify)* _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: B. Todd Jones
ADDRESS: ATF
99 New York Avenue, NE
Washington, DC 20226

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: (Deputy Clerk)

Dated:

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for B. Todd Jones was received by me on (date)

I personally served the summons on the individual at (place where served) on (date)

I left the summons at the individual's residence or usual place of abode with (name), a person of suitable age and discretion who resides there, on (date), and mailed a copy to the individual's last known address.

I served the summons on (name of individual), who is designated by law to accept service of process on behalf of (name of organization) on (date)

I returned the summons unexecuted because

Other (specify)

My fees are \$ for travel and \$ for services, for a total of \$

I declare under the penalty of perjury that this information is true.

Date:

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: Thomas E. Brandon
ADDRESS: ATF
99 New York Avenue, NE
Washington, DC 20226

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for Thomas E. Brandon was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: The Federal Bureau of Investigation
ADDRESS: FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for The Federal Bureau of Investigation was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: Robert S. Mueller, III
ADDRESS: FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for Robert S. Mueller, III was received by me on _____, (name of individual and title, if any) (date)

I personally served the summons on the individual at _____, on _____, (date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person (name) of suitable age and discretion who resides there, on _____, (date) and mailed a copy to the individual's last known address.

I served the summons on _____, (name of individual) who is designated by law to accept service of process on behalf of _____, (name of organization) on _____, (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: United States of America
ADDRESS: Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for United States of America was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: Kriste Kibbey Etue
ADDRESS: Michigan State Police Headquarters
333 S. Grand Ave.
PO Box 30634
Lansing, MI 48909-0634

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 21 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for Kriste Kibbey Etue was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.: _____

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: Hillsdale County Sheriff's Office
ADDRESS: 165 W. Fayette St.
Hillsdale, MI 49242

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 21 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for Hillsdale County Sheriff's Office was received by me on _____, _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____, _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(name) (date)

I served the summons on _____, who is designated by law to accept service
of process on behalf of _____ on _____.
(name of individual) (name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: Stan W. Burchardt
ADDRESS: Hillsdale County Sheriff's Office
165 W. Fayette St.
Hillsdale, MI 49242

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 21 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for Stan W. Burchardt was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Additional information regarding attempted service, etc.:

Server's signature

Server's printed name and title

Server's address

SUMMONS IN A CIVIL ACTION
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

CLIFFORD CHARLES TYLER

Case No.
Hon.

v.

ERIC HOLDER, et al.

TO: Rick Snyder
ADDRESS: Office of the Governor
PO Box 30013
Lansing, MI 48909

A lawsuit has been filed against you.

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 21 days after service of this summons on you (not counting the day you received it). If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the Court, whose address is indicated below.

PLAINTIFF OR PLAINTIFF'S ATTORNEY NAME AND ADDRESS

Lucas J. McCarthy, Esq.
Hartwell Failey & McCarthy PLC
233 Fulton St. E., Ste. 104
Grand Rapids, MI 49503

TRACEY CORDES, CLERK OF COURT

By: _____
(Deputy Clerk)

Dated: _____

399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503

P.O. Box 698
229 Federal Building
Marquette, MI 49855

B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

113 Federal Building
315 W. Allegan
Lansing, MI 48933

PROOF OF SERVICE

This summons for Rick Snyder was received by me on _____
(name of individual and title, if any) (date)

I personally served the summons on the individual at _____
on _____
(date) (place where served)

I left the summons at the individual's residence or usual place of abode with _____, a person
(name)
of suitable age and discretion who resides there, on _____, and mailed a copy to the individual's last known address.
(date)

I served the summons on _____, who is designated by law to accept service
(name of individual)
of process on behalf of _____ on _____
(name of organization) (date)

I returned the summons unexecuted because _____

Other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under the penalty of perjury that this information is true.

Date: _____

Server's signature

Additional information regarding attempted service, etc.:

Server's printed name and title

Server's address