

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA	:	
	:	
	:	Civil Action No.
v.	:	3:00 CV 1791 (SRU)
	:	
	:	
KENNETH EUGENE SPEIGHT	:	

**RULING AND ORDER ON PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT
AND DEFENDANT’S MOTIONS FOR SUMMARY JUDGMENT AND TO DISMISS**

The United States brought this action seeking to discharge certain purported liens filed by the defendant Kenneth Eugene Speight¹ (“Speight”) against personal property owned by two United States District Court Judges and an Assistant United States Attorney. The United States also seeks to preclude Speight from filing further liens against any federal officials, and to recover damages for Speight’s fraudulent use of the United States mail.

The United States has moved for partial summary judgment seeking a declaration that all liens filed by Speight against any federal official are null and void, including three specific liens filed against United States District Judges Alvin Thompson and Christopher Droney, and Assistant United States Attorney David Ring; an order directing Speight to discharge all liens filed against any federal official; an injunction prohibiting Speight from filing further liens against any federal official without first obtaining court approval²; and an order requiring

¹ The United States originally named “Kenneth E. Speight” as defendant. Speight then moved to intervene as defendant under the name “Kenneth Eugene Speight.” The court treated Speight’s motion to intervene as a motion to substitute party and granted the motion.

² It is probable that Speight has also filed a lien, attempted to file a lien, or intends to file a lien against the property of this judge. First, documents filed by Speight with the Connecticut Secretary of State specifically reference a Ruling on a Motion to Intervene in this case as giving Speight a lienable

Speight to pay the United States' costs in bringing this action. Speight has objected to the United States' motion and has both cross-moved for summary judgment and moved to dismiss the complaint on identical grounds to those asserted in his opposition to the United States' motion.

BACKGROUND

Speight was indicted and convicted in the United States District Court for the District of Connecticut on charges of conspiracy, felon in possession of a firearm, and possession of a firearm with an obliterated serial number. Speight was thereafter sentenced to a term of 105 months' imprisonment by United States District Court Judge Alvin W. Thompson. During the criminal proceedings, United States District Judge Christopher Droney served as the United States Attorney for the District of Connecticut, and David A. Ring ("AUSA

interest in the amount of one million dollars. Presumably, that purported "interest" would be sought from this judge. Second, Speight has sent to this judge *ex parte*, via certified mail, a document entitled "Actual and Constructive Notice," which purports to require the court to take certain action as "Respondent." Among the attachments to that document were "Bills of Exchange" in a total amount of thirty million dollars, which Speight purports to have filed with the Secretary of the United States Treasury.

These apparent filings by Speight require the court to consider whether it must or should recuse itself under the Code of Conduct for United States Judges or the pertinent statutes. After consulting with the Administrative Office of the United States Courts, the court declines to do so. Even assuming that, by making these filings, Speight has created a financial interest of this judge in the present proceedings, the court need not recuse itself. If the court were to recuse itself, the government might not be able to seek resolution of its claims because Speight would be empowered to disqualify this judge, and whatever judge might follow, simply by filing a purported lien against them.

Under these circumstances, despite an apparent technical conflict, the court should nevertheless decide this case. Cf. United States v. Martin-Trigona, 759 F.2d 1017, 1020-21 (2d Cir. 1985) (Where litigant initiated lawsuit against district court, court properly refused to recuse himself because "to permit a litigant to obtain disqualification, without reasonable grounds, of successive judges in a case would interfere with the administration of Justice...."); Tapia-Ortiz v. Winter, 185 F.3d 8, 10 (2d Cir. 1999) (Where pro se plaintiff sued all of the active and senior judges, making it impossible to convene a three-member panel of circuit judges not a party to the suit, judges refused to recuse themselves under the "rule of necessity.").

Ring”) was the Assistant United States Attorney handling Speight’s prosecution.³

Speight later filed purported liens against the personal property of Judge Thompson and AUSA Ring. Specifically, Speight sent a series of documents to Judge Thompson and AUSA Ring by certified mail, claiming, *inter alia*, to put them on notice of a purported breach of contract and fraud, and the existence of a debt owed to Speight. Speight thereafter filed documents with the Connecticut Secretary of State purporting to place a ten-billion-seven-thousand-five-hundred-dollar lien on Judge Thompson’s property and a one-billion-twelve-million-dollar lien against AUSA Ring’s property. After the United States brought this lawsuit, Speight caused the filing of documents with the Connecticut Secretary of State purporting to place a lien of one billion twelve million dollars against the property of Judge Droney.

Throughout the various documents and filings, Speight makes reference to the criminal proceedings in which he was a defendant and the federal officials were involved. Speight also asserts in the documents that the federal officials are indebted to him “for [] willful and unlawful (FRAUD) Breach of Contract/Oath of Office and failure of obligation to protect [Speight’s] rights.” Speight nowhere in the documents or filings, nor in any pleading or submission to this court, avers that Judges Thompson and Droney or AUSA Ring ever owed him a debt for anything other than the purported breach of their respective official duties.

DISCUSSION

Viewing the evidence in the light most favorable to Speight, and drawing all inferences in his favor, Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986), the United States has

³ Speight does not dispute the truth of these facts, only their relevance. (See Def’s 9(c)(2) Statement at ¶¶ 1 & 2.)

demonstrated that it is entitled to judgment as a matter of law.⁴ It can not seriously be disputed that the purported liens were not filed on the basis of any genuine commercial obligation owed Speight. First and foremost, the liens and accompanying documents indicate on their face that they were filed on the basis of the claimed breach of contract or fraud by the federal officials in performing their official responsibilities. For example, in his purported notice to Judge Thompson (Compl. Ex. D.), entitled “Lien Documents,” Speight explains that Judge Thompson’s alleged debt “arises, is due and owing for the willful and unlawful (FRAUD) Breach of Contract/Oath of Office and failure of obligation to protect rights of Kenneth Eugene Speight.”

In addition, Speight has failed to come forward with any evidence that Judges Thompson or Droney, or AUSA Ring, owe any legitimate commercial debt to Speight, let alone have ever had any dealings with Speight, other than through the performance of their official duties in connection with Speight’s criminal conviction and disposition.⁵ Thus, it is beyond dispute that the purported liens were filed solely on the basis of the federal officials’ role in Speight’s criminal conviction and disposition, and some perceived breach of office resulting therefrom.

Given the indisputable basis upon which Speight filed the purported liens, the United States is entitled to judgment as a matter of law. Although courts in the Second Circuit have yet to confront the issue of commercial liens filed against the property of federal officials on account of the performance of their official duties, every other federal court to address this issue has summarily found such liens improper. See, e.g.,

⁴ This Court has read all of the pro se plaintiff’s papers liberally even though they display a remarkable level of sophistication. See Henderson v. Doe, No. 98 Civ. 5011, 1999 WL 378333 at *1, n.1 (S.D.N.Y. 1999).

⁵ Because the United States met its burden of demonstrating the absence of a genuine issue of material fact, Rule 56(e) requires Speight to come forward with some affirmative evidence to establish a genuine issue of material fact.

United States v. McKinley, 53 F.3d 1170 (10th Cir. 1995); United States v. Reeves, 782 F.2d 1323, 1326 (5th Cir. 1986), cert. denied, 479 U.S. 837 (1986); Ryan v. Bilby, 764 F.2d 1325 (9th Cir. 1985); United States v. Ekblad, 732 F.2d 562 (7th Cir. 1984) (per curiam); United States v. Hart, 701 F.2d 749 (8th Cir. 1983) (per curiam); United States v. Knudson, 959 F. Supp. 1180 (D. Neb. 1997); United States v. Haggert, Civ. No. 95-236-B, 1996 WL 196757 (D. Me. Feb. 12, 1996); United States v. MacElvain, 858 F. Supp. 1096 (M.D. Ala.1994), aff'd, 68 F.3d 486 (11th Cir. 1995); United States v. Thomas, 819 F. Supp. 927 (D. Colo. 1993); Saenger v. Brown, 88-2 USTC P 9404, 1988 WL 184863 (D. Ore. May 3, 1988); Peth v. Breitzmann, 611 F. Supp. 50, 55 (E.D. Wis. 1985); United States v. Shugarman, 596 F. Supp. 186, 193 (E.D. Va. 1984); United States v. Van Dyke, 568 F. Supp. 820, 822 (D. Ore. 1983). More specifically, in each reported case in which a criminal defendant has filed liens against federal officials who were involved in the purported creditor's underlying criminal proceedings, the courts have uniformly ordered relief consistent with that requested in this action upon the plaintiff United States' motion for summary judgment. See, e.g., United States v. Poole, 916 F. Supp. 861 (C.D. Ill. 1996); United States v. Barker, 19 F. Supp. 2d 1380 (S.D. Ga. 1998); United States v. Anderson, No. 97 C 821, 1997 WL 779063 (N.D. Ill. Dec. 12, 1997).

Speight's legal arguments to the contrary are neither novel nor meritorious. As a preliminary matter, it is well settled that the United States has standing to bring, and that this court has jurisdiction to hear, an action brought by the United States to protect federal employees from harassment. Barker, 19 F. Supp. 2d. at 1383 ("It is by now established beyond dispute that the United States may request the assistance of Article III courts to protect its officials from attempts at harassment, intimidation, and extortion in the form of "liens."); Poole, 916 F. Supp. at 862 ("[T]he United States has standing to seek relief from actual or threatened interference with the performance of its proper governmental functions.") (citation omitted). Similarly, Speight's argument

that the “United States of America” is not a competent plaintiff under Federal Rule of Civil Procedure 9(a) is without merit. Finally, even assuming as true that Speight was not the secured party on the liens, but rather that the liened property was secured, as Speight claims, for “the Republic ... for the discharge of public debt, in accord with public policy,” Speight is still the proper defendant in this action as it is undisputed that he filed the subject liens.

CONCLUSION

For the foregoing reasons, the United States’ partial motion for summary judgment [**doc #16**] is granted and Speight’s motions for summary judgment [**doc #22**] and to dismiss [**doc #25**] are denied. The United States’ motion for entry of default [**doc #6**] is denied as moot.

Accordingly, it is ordered that:

1. All liens or other instruments filed by the defendant, Kenneth Eugene Speight, a.k.a. Kenneth E. Speight, (“Defendant”), purporting to attach or otherwise affect the assets of any present or former federal officials are declared invalid, null, void, and devoid of any legal effect.
2. Defendant and all those in active concert or participation with him who receive actual notice of this injunction are ordered to immediately discharge or cause to be discharged all such liens or other instruments filed with the Connecticut Secretary of State, or anywhere else such liens or other instruments have been filed.
3. The following purported UCC liens shall have no legal effect whatsoever, shall be discharged, and such discharge shall be filed immediately with the Connecticut Secretary of State:
 - a. Lien number 0002009629, six pages, volume U-00186 filed on July 12, 2000, starting on page

1597, alleged debtor Alvin W. Thompson;

- b. Lien number 0002014936, nine pages, volume U-00188 filed on August 7, 2000, starting on page 3614, alleged debtor David A. Ring; and
- c. Lien number 0002019263, six pages, volume U-00190 filed on August 29, 2000, starting on page 3032, alleged debtor Christopher F. Droney.

4. Defendant and all those in active concert or participation with him who receive actual notice of this injunction are permanently enjoined from filing any liens or other instruments purporting to attach or otherwise affect the assets of any present or former federal officials in any jurisdiction, including but not limited the filing of any liens or other instruments with the Connecticut Secretary of State, without first obtaining leave of this court. Defendant and all those in active concert or participation with him, are also permanently enjoined from giving notice to any “lien debtor” or any other person, credit agency, corporation, or entity of the existence of any lien or other instrument, whether filed or unfiled, purporting to attach or otherwise affect the assets of any present or former federal officials, without first obtaining leave of this court.

Failure to secure such permission shall be considered sufficient grounds to discharge or expunge any filed lien or other instrument from the public record and will also constitute contempt of this court.

5. Defendant and all those in active concert or participation with him who receive actual notice of this injunction are permanently enjoined from using the United States mail to claim indebtedness, or attempt to create the appearance of indebtedness, of any present or former federal officials to Defendant or any person in active concert or participation with him, on account of the present or former federal officials’ discharge of their

duties.

6. This order shall be recorded in the Uniform Commercial Code records of the Connecticut Secretary of State.

It is so ordered.

Dated at Bridgeport, Connecticut this ____ day of May 2001.

Stefan R. Underhill
United States District Judge