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Federal Bureau of Investigation

450 Golden Gate Avenue, 13th. Floor
San Francisco, California 94102-9523
(415) 553-7400

6 1.) James Alvin Sablan Sr.,) Case No.:
7 2.) Sarah Lorraine Matlock,)
(Also Known As Sarah Matlock Funes On All) Under Color Of Law Complaint Pursuant To:
8 Montana Legal Documents),)
9 Pro Se, In Propria Persona,) 1) United States Code Title 18, Part-1 Chapter-
Phone: 415-410-5519) 13 Section 241 (Conspiracy Against Rights).
4100 Petrified Forest Road)
10 Calistoga California 94515,) 2) United States Code Title 18, Part-1 Chapter-
Plaintiffs, Pro Se,) 13 Section 242 (Deprivation of Rights Under
Vs.) Color of Law).
11 1.) Deputy County Attorney) 3) United States Code Title 18, Part-1 Chapter-
12 Carolyn A. Clemens) 47 Section 1001 (False Statements or Entries
Phone: 406-447-8221) Generally).
13 Lewis and Clark County)
Courthouse - 228 Broadway) 4) United States Code Title 42 Chapter 136
14 Helena, MT 59601,) Subchapter IX Part B Section 14141 (Pattern
2.) State of Montana Defendants, et al,) and Practice).
15)

16
17 **Prima Facie Under Color Of Law**

18 Parents of James Matlock Funes: James A. Sablan Sr. and Sarah Matlock

19
20 This is an Under Color of Law Complaint:

21
22 We, James A. Sablan Sr. and Sarah Matlock, have already written to Deputy
23 Attorney Carolyn A. Clemens to set the record straight regarding all facts and
24 issues concerning the case and guardianship of James Matlock Funes for which she
25

1 petitioned the Court and was also appointed in Helena, Montana on November 5,
2 2007.

3
4 The facts of this case are as follows:

5 Exhibit A

6 1.) The mother of the baby, Sarah Matlock, was hospitalized due to a case of
7 preeclampsia and in order to recover from five grand mal seizures and her
8 subsequent C-section delivery, which cured her of these seizures. Delivery of the
9 baby is the only cure of preeclampsia.

10
11 During her stay at the University of Utah Hospitals and Clinics, she had just
12 awakened from a medically induced coma, and was being questioned during this
13 time. Social worker Jim Abrahamson called her at the hospital shortly after she
14 awoke from anesthesia.

15
16 I, James A. Sablan Sr., am her Power of Attorney and father of the child, and had
17 informed Mr. Jim Abrahamson of this fact prior to him calling Sarah while she was
18 incapacitated due to coming out of a medically induced coma.

19
20 Jim Abrahamson, being duly informed of the fact that I was/am her Power of
21 Attorney, should have directed all questioning through me until Sarah Matlock was
22 released from the hospital. Said coma would render anyone temporarily
23 incoherent, as any medical doctor would testify.

24
25 Allegations of "evasiveness" and also alleged "concerns" about "mental status" are

1 incorrect, due to the fact that she was acting under her Power of Attorney's advice
2 to exercise her Constitutional Fifth Amendment Right while incapacitated. Once
3 again, said coma would render anyone temporarily incoherent, as any medical
4 doctor would testify.

5
6 This allegation constitutes an intentional deprivation of said right under the Fifth
7 Amendment, and constitutes disparate treatment.

8
9 The Fifth Amendment states:

10
11 No person shall be held to answer for a capital, or otherwise infamous crime,
12 unless on a presentment or indictment of a Grand Jury, except in cases arising in
13 the land or naval forces, or in the Militia, when in actual service in time of War or
14 public danger; nor shall any person be subject for the same offence to be twice put
15 in jeopardy of life or limb; nor shall be compelled in any criminal case to be a
16 witness against himself, nor be deprived of life, liberty, or property, without due
17 process of law; nor shall private property be taken for public use, without just
18 compensation.

19 All questions were to be directed through her Power of Attorney, as noted as St.
20 Peter's Hospital in Helena, Montana. All papers were signed by me as Power of
21 Attorney. James A. Sablan, Sr., is the one named as responsible for all legal and
22 medical issues under this Power of Attorney document. I am attaching my Power
23 of Attorney forms for your viewing.

24 Sarah Matlock was released from the hospital in a competent state, and testified in
25 the First Judicial District Court in Helena, Montana while the case was being
dismissed and a guardianship appointed.

1 Exhibit B

2 2.) Social worker Jim Abrahamson handed us paperwork at the end of our court
3 hearing where he typed in a fraudulent abuse/neglect charge. Mr. Abrahamson
4 claims that we neglected our child during the time that he was at Great Falls
5 Hospital. This is not an accurate claim. Therefore also, the designation of our
6 baby as being a "Youth in Need of Care" was false.

7 Social worker Jim Abrahamson specifically told the father, James A. Sablan Sr.,
8 that he was not allowed to go to the hospital and visit the baby unless we "went
9 through (him)", which was not in our constitutional best interest.

10 Not having received his permission and also being unable to live/ travel to the
11 Great Falls area in order to see our baby every day anyway, this became an
12 impossibility.

13 Also, we were told that the baby would be returned back to Helena, Montana to be
14 maintained at St. Peter's Hospital if he needed extended care (more than a week or
15 two). This turned out not to be the case, however, because our baby was not
16 brought back to Helena at any time.

17 There was no true emergency in this case. Social worker Jim Abrahamson
18 fabricated a neglect charge MCA §41-3-102. This charge is noted on the Montana
19 Letters of Guardianship papers.

20 Neither parent has neglected the baby at any time since his birth. James Sablan
21 called the hospital on a constant basis to inquire regarding James Matlock Funes'
22 welfare and the mother spoke to James Sablan on the phone as often as possible in
23 addition to calling the hospital herself when necessary regarding James Matlock
24 Funes' welfare.

25 Therefore as previously stated, there was no neglect as alleged, and neither parent
was able to be in the presence of the baby during his extended stay in the hospital.
Nor have the parents ever posed any imminent danger to the baby; please refer to
case law listed below:

1 Consequently, courts have recognized that a state may
2 constitutionally remove children threatened with imminent harm when it is
3 justified by emergency circumstances. *See, e.g., Mabe v. San Bernardino County,*
4 *Dep't of Pub. Soc. Servs.,* 237 F.3d 1101, 1106 (9th Cir. 2001); *Brokaw v. Mercer*
5 *County,* 235 F.3d 1000, 1020 (7th Cir. 2000); *Tenenbaum,* 193 F.3d at 593-94;
6 *Hollingsworth v. Hill,* 110 F.3d 733, 739 (10th Cir. 1997); *Jordan by Jordan v.*
7 *Jackson,* 15 F.3d 333, 346 (4th Cir. 1994); *cf. United States v. Edmondson,* 791
8 F.2d 1512, 1514 (11th Cir. 1986) (allowing warrantless search and seizure in
9 criminal cases where exigent circumstances exist). By limiting warrantless
10 removals to true emergencies, the law "seeks to strike a balance among the rights
11 and interests of parents, children, and the State." *Tenenbaum,* 193 F.3d at 594.

9 Exhibit C

10 3. Since this Court hearing, the guardians, Alfred Richard Woodson III and
11 Carolyn Lorraine Strong Woodson, have deprived both parents of all contact with
12 their child, and concealed the child entirely without any legal reason whatsoever,
13 the mother never once having seen or held her child. We have records of multiple
14 requests for visitation.

15 Exhibit D

16 4.) Moreover, the guardians have attempted to adopt out our son without
17 notification to us or any court, and in violation of the terms of the guardianship.
18 The guardians took it upon themselves to perform this adoption confidentially,
19 independently, and unlawfully, even though it is not authorized by the State of
20 Montana which has been presently holding the guardianship without the
21 involvement of any agency. Deputy Attorney Carolyn W. Clemens recently
22 confirmed that this adoption is not authorized over the phone with the father,
23 James A. Sablan, Sr.

24 Exhibit E

1 While a recent letter from Deputy Attorney Carolyn A. Clemens claims that
2 Montana does not have any legal interest in this case, this is once again not an
3 accurate statement.

4 Since the State of Montana holds a guardianship and has the power to rescind this
5 guardianship and/or authority over any adoption, the State of Montana still has a
6 legal tie/interest in the matter of the James Matlock Funes guardianship, which we
7 have recently respectfully requested to be rescinded. We also asked that full
8 custodial rights be restored to his parents as well, and that an ex-parte pick-up
9 order be issued from Helena, Montana to the parents of James Matlock Funes.

10 Exhibit F

11 Since becoming aware of these facts, we have informed Deputy Attorney Carolyn
12 Clemens that the guardians that her Department appointed have been violating
13 these U.S. Codes listed below, and that the circumstance remains unrectified. The
14 guardians have continued to conceal our child in spite of our contacts and requests
15 for visitation for approximately three weeks since the time that we have notified
16 Deputy Attorney Carolyn A. Clemens of this ongoing problem, so the following
17 codes still apply:

18 U.S. Code Title 42 The Public Health And Welfare Chapter 21 Civil Rights
19 Subchapter I-Generally §1983.

20 U.S. Code Title 42 The Public Health And Welfare Chapter 21 Civil Rights
21 Subchapter I-Generally §1985.

22 U.S. Code Title 42 The Public Health And Welfare Chapter 21 Civil Rights
23 Subchapter I-Generally §1986.
24
25

1 U.S. Code Title 28 Part-IV Jurisdiction And Venue Chapter-85 District Courts
2 Jurisdiction §1343.

3
4 Also, the guardians of James Matlock Funes have violated these parts of the U.S.
5 Constitution, which are:

6
7 The Eighth Amendment, which states:

8 Excessive bail shall not be required, nor excessive fines imposed, nor
9 cruel and unusual punishments inflicted.

10
11 The Fourteenth Amendment, which states:

12 SECTION 1. All persons born or naturalized in the United States, and
13 subject to the jurisdiction thereof, are citizens of the United States
14 and the State wherein they reside. No State shall make or enforce any
15 law which shall abridge the privileges or immunities of citizens of
16 the United States; nor shall any State deprive any person of life,
liberty, or property, without due process of law; nor deny to any
person within its jurisdiction the equal protection of the laws.

17 SECTION 2. Representatives shall be apportioned among the several
18 States according to their respective numbers, counting the whole number
19 of persons in each State, excluding Indians not taxed. But when
20 the right to vote at any election for the choice of electors for President
21 and Vice-President of the United States, Representatives in Congress,
22 the Executive and Judicial officers of a State or the members
23 of the Legislature thereof, is denied to any of the male inhabitants
24 of such State, being twenty-one years of age, and citizens of the
25 United States, or in any way abridged, except for participation in
rebellion, or other crime, the basis of representation therein shall
be reduced in the proportion which the number of such male citizens
shall bear to the whole number of male citizens twenty-one years of
age in such State.

1 SECTION 3. No person shall be a Senator or Representative in Congress,
2 or elector of President and Vice-President, or hold any office, civil
3 or military, under the United States, or under any State, who, having
4 previously taken an oath, as a member of Congress, or as an officer of
5 the United States, or as a member of any State legislature, or as an
6 executive or Judicial officer of any State, to support the Constitution
7 of the United States, shall have engaged in insurrection or
8 rebellion against the same, or given aid or comfort to the enemies
9 thereof. But Congress may by a vote of two-thirds of each House,
10 remove such disability

11 SECTION 4. The validity of the public debt of the United States,
12 authorized by law, including debts incurred for payment of pensions
13 and bounties for services in suppressing insurrection or rebellion,
14 shall not be questioned. But neither the United States nor any State
15 shall assume or pay any debt or obligation incurred in aid of insurrection
16 or rebellion against the United States, or any claim for the
17 loss or emancipation of any slave; but all such debts, obligations and
18 claims shall be held illegal and void.

19 SECTION 5. The Congress shall have power to enforce, by appropriate
20 legislation, the provisions of this article.

21 We have informed Deputy Attorney Carolyn A. Clemens of the U.S. Codes above
22 already (note Section 1986 as well):

23 Title 42 U.S.C.
24 The Public Health And Welfare
25 Chapter 21-Civil Rights
Subchapter I-Generally

§1986. Action for neglect to prevent

Every person who, having knowledge that any of the wrongs conspired to be done,
and mentioned in §1985 of this title, are about to be committed, and having power
to prevent or aid in preventing the commission of the same, neglects or refuses so

1 to do, if such wrongful act be committed, shall be liable to the party injured, or his
2 legal representatives, for all damages caused by such wrongful act, which such
3 person by reasonable diligence could have prevented; and such damages may be
4 recovered in an action on the case; and any number of persons guilty of such
5 wrongful neglect or refusal may be joined as defendants in the action; and if the
6 death of any party be caused by any such wrongful act and neglect, the legal
7 representatives of the deceased shall have such action therefore, and may recover
8 not exceeding \$5,000 damages therein, for the benefit of the widow of the
9 deceased, if there be one, and if there be no widow, then for the benefit of the next
10 of kin of the deceased. But no action under the provisions of this section shall be
11 sustained which is not commenced within one year after the cause of action has
12 accrued.

9 (R.S. Sec. 1981.)

Codification

10 R.S. Sec. 1981 derived from act Apr. 20, 1871, ch. 22, Sec. 6, 17 Stat. 15.

11 WAIS Document Retrieval

12 Section was formerly classified to section 48 of Title 8, Aliens and Nationality.

13 Due to the fact that since being informed of all the violations mentioned above,
14 Deputy Attorney Carolyn A. Clemens has done nothing to remedy the situation,
15 this now becomes an Under Color Of Law Complaint Pursuant To the following as
16 listed below:

17
18 1) United States Code Title 18, Part-1 Chapter-13 Section 241 (Conspiracy Against
19 Rights).

20
21 2) United States Code Title 18, Part-1 Chapter-13 Section 242 (Deprivation of
22 Rights Under Color of Law).

23
24 3) United States Code Title 18, Part-1 Chapter-47 Section 1001 (False Statements
25 or Entries Generally).

1 4) United States Code Title 42 Chapter 136 Subchapter IX Part B Section 14141
2 (Pattern and Practice).

3 Finally, we will attest that all statements herein (this document) are the absolute
4 truth. We are willing to take a lie detector test, voice analysis, testify under oath,
5 and give a handwritten signature on this document or any other document attesting
6 to these facts upon request.

7
8
9 Dated This 25th Day Of April, 2008

10
11 All Rights Reserved Pursuant To:

12 Uniform Commercial Code - Article 1-General Provisions Part 2

13 §1-207 Performance or Acceptance Under Reservation of Rights.

14
15 (1) A party who with explicit reservation of rights performs or promises
16 performance or assents to performance in a manner demanded or offered by the
17 other party does not thereby prejudice the rights reserved.

18 Such words as "without prejudice", "under protest" or the like are sufficient.

19 (2) Subsection (1) does not apply to an accord and satisfaction.

20 Signed,

21 James Alvin Sablan Sr.

22 James Alvin Sablan Sr.

23 Sarah Lorraine Matlock

24 Sarah Lorraine Matlock

25 (Also Known As Sarah Matlock Funes On All Montana Legal Documents)