

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

DEMETRICK PENNIE, et al.,

Plaintiffs,

v.

BARACK HUSSEIN OBAMA, et al

Defendants.

Civil Action No.: 3:16-cv-02010-L

**EMERGENCY PLAINTIFFS' MOTION FOR EMERGENCY HEARING
CONCERNING DEATH AND OTHER THREATS MADE AGAINST THEM AND
RELATED ISSUES AND REQUESTED RELIEF.**

Plaintiffs Demetrick Pennie and Larry Klayman (“Plaintiffs” unless individually named), on behalf of themselves and the putative class hereby respectfully request that this Honorable Court hold an emergency hearing to determine the appropriate course of action concerning death and other threats of physical violence made against them. Copies of this written and oral correspondence, which has been forwarded to the Federal Bureau of Investigation and the investigative unit of the Dallas Police Department, as reflected in the news report which is attached hereto as **Exhibit A**. The death and other threats of physical violence are attached hereto as **Exhibit B**.

Given the recent deaths of Dallas police officers and riots around the nation, currently in Charlotte, North, Carolina, and the incitement to violence and actual killings and assaults and batteries as alleged in the Amended Complaint, all of which has been documented with hard facts, it would appear that Defendants are directly or indirectly responsible for the deadly threats

against Plaintiffs, one of whom is a Sergeant of the DPD and the other an officer of this Court.

Threats against them thus constitute crimes pursuant to 18 U.S.C. §115(a):

(1) Whoever— (A) assaults, kidnaps, or murders, or attempts or conspires to kidnap or murder, or threatens to assault, kidnap or murder a member of the immediate family of a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under section 1114 of this title; or (B) threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under such section, with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties, shall be punished as provided in subsection (b).

There are equivalent Texas statutes concerning threats to officers of the court and law enforcement. These threats must be taken seriously before Plaintiff Pennie and his counsel are killed or seriously physically harmed.

Recently, Defendant Hillary Clinton, in a transparent attempt to garner the votes of African-Americans in the upcoming Presidential election, blamed, and thus furthered violence against white people in general for recent police shootings, stating, “[m]aybe I can, by speaking directly to white people, say look, this is not who we are. We have got to do everything possible to improve policing, to go right at implicit bias.”¹ She then took to twitter to make further inflammatory statements against law enforcement officers following the shootings of African-Americans in Tulsa, Oklahoma and Charlotte, North Carolina, pre-judging for her political purposes before all the facts are known. Further, Defendant Hillary Clinton demagogued, “[a]nother unarmed Black man was shot in a police incident. This should be intolerable. We have so much work to do.” Furthermore, Defendant Hillary Clinton said, “Keith

¹ Adam Kelsey, *Hillary Clinton Calls Tulsa Police Shooting 'Horrible,' Reiterates Call for Improved Policing*, ABC News, Sept. 20, 2016, available at: <http://abcnews.go.com/Politics/hillary-clinton-calls-tulsa-police-shooting-horrible-reiterates/story?id=42229444>

Lamont Scott. Terence Crutcher. Too many others. This has got to end.”² Defendants Hillary Clinton and Obama have made no genuine or real attempt to try to dissuade the perpetrators of the violent looting and rioting that has erupted, and instead chosen to stoke the flames and incite violence with their words and inaction, respectively.

So too have the other Defendants, who have made direct threats to kill and cause serious bodily harm to Plaintiffs and those who do not agree with their radical Black Muslim violent beliefs and actions. As detailed in the Amended Complaint Defendant Farrakhan and the Nation of Islam are directly responsible for the recent police deaths and severe bodily injuries that occurred in Dallas. In response to the recent Charlotte riots, Defendant Nation of Islam, through its spokesperson B.J. Murphy, have explicitly urged the riots to continue, stating, “**we’re not telling our brothers and sisters to stop...when we ain’t getting no justice.**”³ Defendant Sharpton, like Defendant Farrakhan has called for the killing of law enforcement officers, also set forth and documented in the Amended Complaint. At one of Defendant Sharpton’s rallies, protesters chanted, “**What do we want? Dead cops! When do we want it! Now!**” Defendant Sharpton himself has said, “**I believe in offing the pigs. Well they got pigs out here. You ain’t offed one of them. What I believe in, I do. I’ll off the man. Well off him. Plenty of crackers walking around here tonight.**”⁴ And, as these threats demonstrate, Defendant the New Black Panthers Party and Black Lives Matter and their accomplices have also leveled these deadly threats. For instance, as set forth in the Amended Complaint, Black Lives Matter protesters

² Jim Hoft, *Hillary Clinton Trashes Tulsa, Charlotte Police after Shootings – Sides with Looters and Rioters*, Gateway Pundit, Sept. 21, 2016, available at: <http://www.thegatewaypundit.com/2016/09/hillary-clinton-trashes-tulsa-charlotte-police-shootings-sides-looters-rioters/>

³ *Nation of Islam Activist Calls for Economic Boycott of Charlotte*, Fox News, Sept. 21, 2016, available at: <http://insider.foxnews.com/2016/09/21/nation-islam-representative-bj-murphy-calls-economic-boycott-charlotte>

⁴ *Al Sharpton Says Kill White People and Cops*, https://www.youtube.com/watch?v=5fRMh_itKQE

chanted, **“Pigs in a blanket, fry em’ like bacon.”** Furthermore, threats levied personally against Plaintiffs are set forth in detail below. More threats are coming in by the day as well.

Threats against Klayman

Andrew Bennett - **“[...] you cracker [...] you broke with the black Panthers and the black lives matter and all black people in this country. God probably alone. You should be worried(?) about the say that you whole goddamn family.”**

Threats against Pennie:

Walter Hargain - **“—Future Headline—Sgt. Demetrick Pennie was found in a hotel room, shortly after filing a lawsuit against Hillary Clinton, with 15 self-inflicted gunshot wounds to his back.”**

Keith Arrington - **“Eat a d**k pig”**

“Will Slapyou” - **“This NIGGA HERE!!!!!! WTF???? REALLY.... No REALLY!!!!!! If anyone would like to talk to Sgt Demetrick Pennie he is in the property room at [ADDRESS] [PHONE NUMBER] He works days.”**

“Sgt. ‘House Nigger”, D. Pennie, why are you suing people who are trying to stop Klansman police from murdering black men, women, and children. I don’t hear you speaking out about this. The House Nigger’s sole reason for living is to appease the ‘massa.’ Not only are you a House Nigger, but you are also a traitor! You do know what happens to traitors, don’t you? Stop this stupid lawsuit now or you will be dealt with!”

Brian Thornton - **“Oh yeah, I can also say ‘whoever kills this cop is a national hero’ not an offense. Look at who supports you, guy who thinks the ‘others’ and ‘theys’ (your supporters words, not racist at all) are trying to start a race war. I like the part where you are doing post-grad work. I’ve met plenty of post-doctorates that were completely bonkers. Look at my posts as a teaching moment from someone who has taught college dealing with Con Law, Texas Judiciary, and political science. You are very welcome, no charge (for either of us ;) – see what I did there?).”**

Counsel for each and every Defendant who has appeared in this matter have unprofessionally chosen to oppose Plaintiffs’ emergency motion. The fact that they oppose clearly underscores the fact that Defendants have furthered, directly or indirectly, the death and other threats of and serious bodily harm to Plaintiffs and those who oppose them. Otherwise,

there would be no reason to oppose such an emergency hearing, where lives are at stake as a result of Defendants' conduct.

Plaintiffs have great respect for this Court, but have concerns that this Court was nominated to the federal bench by former President Bill Clinton, who Defendant Hillary Clinton has touted will be a part of her administration should she win the presidency. Thus, there can at a minimum be an appearance of partiality in this Court administering to this case. As reported by the New York Times:

In an election year when Bill Clinton's policies and personal indiscretions have faced intense scrutiny, Hillary Clinton is beginning to shape the role her husband would play in her administration, zeroing in on economic growth and job creation as crucial missions for the former president.

Mrs. Clinton told voters in Kentucky on Sunday that Mr. Clinton would be "in charge of revitalizing the economy, because, you know, he knows how to do it," especially "in places like coal country and inner cities." On a campaign swing this month before the West Virginia primary, she said her husband has "got to come out of retirement and be in charge" of creating jobs.

She has not provided details about how a former president would fit into a policy-making role in his wife's administration, a position never before seen in American politics.⁵ (emphasis added)

For this reason, and with this great respect, Plaintiffs simply ask that the Court consider having this case reassigned to another judge who was not nominated by President Clinton, the husband of Defendant Hillary Clinton, and a future integral part of her administration should she win the presidency.⁶ The stakes herein are too great for this appearance of partiality to exist given the stakes involved to Plaintiffs and the rest of the nation.

⁵ Amy Chozick, *Hillary Clinton Shapes Potential New Role for Bill Clinton*, May 16, 2016, available at: <http://www.nytimes.com/2016/05/17/us/politics/bill-hillary-clinton-administration-economy.html>

⁶ Plaintiffs are also concerned that this Court granted an application for *pro hac vice* entry by Arif Muhammad for Defendants Farrakhan and Nation of Islam within minutes, without giving Plaintiffs' counsel an opportunity to respond, which Plaintiff later opposed on August 17, 2016, and has not ruled for weeks on a simple Motion for Extension of Time, filed on August 26, 2016, that was unprofessionally opposed by the same counsel, which is now moot as an Amended Complaint has been filed.

WHEREFORE, Plaintiffs Pennie and Klayman respectfully request an emergency hearing on Tuesday, September 27, 2016 to determine how to deal with these death and others threats of physical violence which “threaten” their lives and the lives of their families, as the use of deadly force against law enforcement and their families has already been demonstrated in Dallas and elsewhere. In addition, related issues must be considered such as whether discovery must be ordered and an evidentiary hearing held to determine if any or all of the Defendants are behind these threats, and if so if appropriate proceedings must be commenced to remedy this, as well as whether this case should be assigned to another judge in this district given the possible appearance of partiality under these grave circumstances.

Dated: September 22, 2016

Respectfully submitted,

/s/ Larry Klayman

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Counsel for Demetrick Pennie, Larry
Klayman and Members of the Putative Class

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(b), Plaintiffs have conferred with with Defendants’ counsel to determine whether Defendant opposed Plaintiff’s Motion. This occurred on September 22, 2016 between Plaintiffs and counsel for Defendants Michael Muhammad, Kevin Wiggins, Camille Stearns Miller, Kenneth Coffin, and Arif Muhammad. Plaintiffs sought consent via e-mail on September 22, 2016. Counsel for Defendant Sharpton has opposed Plaintiffs’ motion. Counsel for the Federal Defendants oppose Plaintiffs’ motion. Counsel for Defendants Nation of Islam and Farrakhan have opposed Plaintiffs’ motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the court's ECF system to all counsel of record or parties on September 22, 2016.

/s/ Larry Klayman
Attorney

EXHIBIT A



Lawyer claims death threats after anti-Black Lives Matter lawsuit



Getty Images

By Julian Hattem - 09/21/16 03:52 PM EDT

A conservative lawyer has notified the FBI about what he claims are death threats after he filed a lawsuit accusing the Black Lives Matter movement, President Obama, **Hillary Clinton** and others of inciting a “race war.”

After filing the lawsuit on behalf of Dallas police Sgt. Demetrick Pennie, lawyer Larry Klayman claimed that both he and his client have been subjected to threats.

“I’m concerned for my client’s safety, Demetrick’s safety — Sgt. Pennie — and for myself,” Klayman, a frequent legal nuisance to Obama, said on Wednesday.

“It’s an effort to intimidate me and my client.”

Shortly after Klayman first filed his lawsuit in July, he received a voicemail on his cellphone that appears to threaten his family.

“Fuck you, you cracker bitch,” a male voice can be heard saying in the message. “You fuck with the Black Panthers and the Black Lives Matter and all black people in this country.

“You leave the goddamn president alone. You should be worried about the safety of your own goddamn family.”

Klayman also notified law enforcement of other messages allegedly sent to Pennie on social media networks, though it’s unclear whether the FBI would treat them as threats.

“Eat a dick pig,” one person wrote on Facebook.

Another imagines a “future headline” in which Pennie “was found in a hotel room, shortly after filing a lawsuit against Hillary Clinton, with 15 self-inflicted gunshot wounds to the back.”

“Neither Sgt. Pennie nor I will be deterred by these threats,” Klayman told The Hill. “In fact, we’re emboldened by them. Although they must be taken seriously, it will not deter us from what we’re doing, which is trying to bring about justice.”

Klayman’s lawsuit, which Pennie joined this month, accuses multiple prominent Black Lives Matter activists, the New Black Panthers Party and others of “inciting and causing serious bodily injury or death to police officers and other law enforcement persons of all races and ethnicities, Jews, and Caucasians.” Also named in the suit are Obama, Clinton, former Attorney General **Eric Holder**, billionaire George Soros, Rev. Al Sharpton and Nation of Islam leader Louis Farrakhan.

“They’re all working together, either in parallel or communicating with one another,” said Klayman.

TAGS: Hillary Clinton, Eric Holder

EXHIBIT B



Oliver Peer <oliver.peerfw@gmail.com>

Fwd: Vonage Visual Voicemail from 12342289356 - New Voicemail Received

Dina James <daj142182@gmail.com>
To: Oliver Peer <oliver.peerfw@gmail.com>

Wed, Aug 24, 2016 at 3:14 PM

larry wants you to have this . . .

it's pretty nasty FYI. just hit "play" on the audio.

----- Forwarded message -----

From: <12342289356@vm.vonage.com>

Date: Thu, Jul 14, 2016 at 6:00 PM

Subject: Vonage Visual Voicemail from 12342289356 - New Voicemail Received

To: daj142182@gmail.com, leklayman@gmail.com

Date : Jul 14 2016 05:59:59 PM

From : Bennett Andrew (12342289356)

To : Larry Klayman (13522749359)

"[...] you cracker [...] you broke with the black Panthers and the black lives matter and all black people in this country. God probably alone. You should be worried(?) about the say that you whole goddamn family."

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NORTH TEXAS TX FREE
 DALLAS TX 75201
 20 SEP 2016 PM 5 L

DALLAS POLICE DEPT.
 1405 S. LAMAR ST.
 DALLAS, TX. 75215
 ATTENTION: SGT. D. PENNIE, H.N.

78215-180100

SGT. "HOUSE NIGGER," D. PENNIE,
 WHY ARE YOU SWINGING PEOPLE, WHO ARE TRYING
 TO STOP KLANSMAN POLICE FROM MURDERING BLACK
 MEN, WOMEN, & CHILDREN? I DON'T HEAR YOU
 SPEAKING OUT ABOUT THIS. THE HOUSE NIGGER'S
 ONLY REASON FOR LIVING IS TO APPEASE THE "MASSA".
 NOT ONLY ARE YOU A HOUSE NIGGER, BUT
 YOU'RE ALSO A TRAITOR! YOU DO KNOW WHAT
 HAPPENS TO TRAITORS, DON'T YOU?
 STOP THIS STUPID LAWSUIT NOW OR YOU
 WILL BE DEALT WITH!



demetrick pennie

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Will Slapyou

Monday at 6:23 PM · 🌐

This NIGGA HERE!!!!!! WTF???? REALLY....No REALLY!!!!!! If anyone would like to talk to Sgt Demetrick Pennie he is in the property room at [redacted] He works days.



Black Dallas Cop Sues BLM, Obama, Farrakhan and Clinton For 'Inciting a Race War' - Atlanta...

atlantablackstar.com



6 Comments 3 Shares



Collin_Young 6 hours ago

@Gidget_Hrobowski "What do we want?" "Dead cops!!!!" "When do we want them?" "Now!!!!!"

"Pigs in a blanket, fry'em like bacon!"

Chanted by BLM protestors in NYC and Minnesota.



Walter Hargain

2 hours ago



-- Future headline --

Sgt. Demetrick Pennie was found in a hotel room, shortly after filing a lawsuit against Hillary Clinton, with 15 self-inflicted gunshot wounds to his back.



Keith Arrington

You and Keith Arrington aren't connected on Facebook

Keith Arrington accepted your request.



Eat a dick pig



Brian Thornton

oh yeah, I can also say "whoever kills this cop is a national hero" not an offense.

Look at who supports you, guy who thinks the "others" and "theys" (your supporters words, not racist at all) are trying to start a race war. I like the part where you are doing post-grad work. I've met plenty of post-doctorates that were completely bonkers. Look at my posts as a teaching moment from someone that has taught college dealing with Con Law, Texas Judiciary, and political science. You are very welcome, no charge (for either of us ;) - see what I did there?).

Try to pay attention in class from now on.

2 hours ago · Like · Reply · Message