

UNITED STATES DISTRICT COURT

for the

District of Oregon

Medford Division

Francis Steffan

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Case Number. 1: 20-CV-01332-CL

V,

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State of Oregon and

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Kate Brown (private capacity)

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**PETITION FOR EMERGENCY INTERLOCATORY APPEAL
28 U.S.C. SEC. 1292(a)
ON PRLIMINARY INJUNCTION / RESTRAINING ORDER
AND RECUSAL**

Plaintiff:

Francis Steffan

c/o 6500 Shadow Glen Dr.

Eagle Point, Oregon

Presenting his own case, one of the People, a beneficiary, a belligerent claimant;

A Man created in the image of God. A Man, not evolved, but created as proclaimed within the Christian Holy Bible at Genesis 1: 26-28

Defendant:

1) Kate Brown (private capacity)

900 Court Street NE, Suite 254

Salem, Oregon

2) State of Oregon

1162 Court St. NE, Salem

Comes now Francis Steffan Hayes to petition this court for an immediate, emergency interlocutory appeal in reference to Judge Ann Aiken denial of Francis Steffan Hayes' motion for an preliminary injunction or restraining order, which ever this court believes will best protect Francis Steffan Hayes from further injury, public humiliation and deprivation of the unalienable God given Right to Liberty and the pursuit of happiness and an expedited oral hearing for said motion.

Francis Steffan Hayes, when he filed his complaint, included in the relief section an injunction or restraining order, then once he was approved for electronic filing he filed a motion for emergency injunction or restraining order with expedited oral hearing. An expedited oral hearing was not requested originally because Francis Steffan Hayes, a man presenting his own cause at law, was not aware of that option until he had access to electronic filing to which he was denied until a paper case was filed, unlike the ADVANTAGE attorneys are granted by the court to initiate and pay for a filing. This original discrimination added a week to the time it took to actually have the cause filed and the fee paid.

What Judge Aiken did then was to choose to rule on the general request in the damages section and TERMINATE Francis Steffan Hayes' specific motion in lieu of the general request, in doing so she not only denied Francis Steffan Hayes' motion she denied him a hearing at all, expedited or otherwise putting Francis Steffan Hayes in serious danger of

further deprivation of liberty, criminal charges and physical assault based on a fraud, non-existent, politically motivated declared emergency.

It is Francis Steffan Hayes' understanding that when given a choice of specific versus general that the specific applies and that when there is two choices the court is to choose the one that will most benefit the one moving the court.

Are there some rules “Judge” Aiken is following that state akin to; follow the general rather than the specific and do what is least favorable to the party moving the court when there is a choice? As a man presenting his own cause [pro se] simple clarity from the court on this matter appears necessary.

Judge Aiken states in her opinion denying Francis Steffan Hayes request for a preliminary injunction and an expedited oral hearing that, “plaintiff alleges that he was denied entry to a Coastal farm store, presumably in White City, Oregon, by store employees because he refused to wear a face covering.”

Francis Steffan Hayes was denied the liberty to gather, and pay for, necessities of life, in this instance layer pellets for chickens that provide his family eggs for their subsistence based on an otherwise unlawful order from Kate Brown without any due process whatsoever. This is not “alleged” this is a fact evidenced by a trespass citation issued to Francis Steffan Hayes.

Aiken supplies a footnote, “It is unclear who denied plaintiff entry to the store, as he only alleges that he was “accosted by black mask wearing thugs claiming authority to

deny him entry by order of Kate Brown and refusing ANY exemptions.” It is disingenuous and an attempt to slight the plaintiff as if he somehow should be able to identify black mask wearing thugs.

Is this going to be the governments position, to mandate people cover their faces so when the State either directs or encourages unlawful behavior, as we have all witnessed in Portland, so don't try to deny it, and assault they are good to go because no one can identify them?

Given Judge Aikens recent release of a domestic terrorist, 12 year federal fugitive who had fled to the communist nation of Cuba after he was indicted for burning down and blowing up things like power plants and meat packing plants to which this circuit court overruled her either irresponsible or calculated ruling.

This seems to be a very dubious position Aiken is taking as it would destroy the peaceful means of redress of grievances and leave only violence as an option, this is the situation that Kate Brown is creating in Oregon through her fraudulent and unconstitutional “emergency” declaration.

Aiken makes an incoherent 11th amendment argument as to why she wont address the several State statutes Kate Brown is violating (disorderly conduct (ORS 166.025), creating panic (ORS162.235), endangering (ORS 163.195) and Declaration of state of emergency (ORS 401.165(5)) all causing numerous United States constitutional violations against Francis Steffan Hayes, and quite frankly, 99.95% of the People of Oregon.

“The Court declines to address plaintiff’s claims brought under state law, as those are likely barred by the Eleventh Amendment.”

The Eleventh Amendment states, “The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.”

Francis Steffan Hayes is one of the People of Oregon suing the State of Oregon, not a foreign State, unless this court would care to disclose that state of Oregon is not one of the several States of the union but merely a federal vassal, and Kate Brown, in her PRIVATE, NOT PERSONAL capacity.

Kate Brown has claimed Oregon Revised Statute 401.165 as her authority to declare an “emergency.”

“Emergency” is defined at ORS 401.025 as, ““Emergency” means a human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or financial loss, including but not limited to:...”*[emphasis added]*

What does “widespread” mean? It is not defined within the statute.

What does “human suffering” mean? It is not defined within the statute.

What does “threatens” mean? It is not defined within the statute.

All these terms mean different things to different people under different circumstances.

Is 0.008% of the population dying, over six months, reasonably a “widespread loss of life?”

No, it is not reasonable to consider a 0.008% of a population dying, over six months, a “widespread loss of life.

Is a 0.5% PRESUMPTIVE infection rate, the people who get sick and then recover, a “widespread” threat of a loss of life?

No, it is not reasonable to consider 0.5% of the population, over six months, PRESUMED to get sick, or not and then get well or remain well “widespread,” a “threat” or an “emergency.”

Is a 0.5% PRESUMPTIVE infection rate, the people who get sick and then recover, “widespread human suffering?”

If only we could know, if only “widespread” and “human suffering” was defined within the law, if only.

However, they are not defined.

It is not Francis Steffan Hayes' “opinion” or “presumption” that a 0.008 death rate is not “widespread” or an “emergency.”

Statisticians generally deem anything less than 0.05 “statistically insignificant.”

489 people were killed in car crashes in 2019 in Oregon - a 4% increase from 2018.

This was not declared an “emergency,” and therefore must not be “widespread,” even with a “spike” of 4%.

Apples and oranges you say, OK, hows about the 825 suicide deaths in Oregon in 2019? That is nearly three times the number of corona virus deaths, yet this was not “widespread,” “human suffering” or an “emergency” either.

But there's more.

Here are the leading causes of non “widespread,” non “emergency” death in the State of Oregon from 2017 from the CDC, **Flu/Pneumonia, 573**; Chronic Liver Disease/Cirrhosis, 642; Diabetes, 1243; Alzheimer’s disease, 1850; Stroke, 2066; Chronic Lower Respiratory Diseases, 2088; Heart Disease, 6942; Cancer, 8083, yet not one of these disease caused deaths was deemed “widespread,” “human suffering” or an “emergency.”

8083 people dead from cancer was not “widespread,” “human suffering” or an “emergency” but 391 from corona virus is? Why? This is not reasonable.

Clearly the determination as to what is “widespread, what is “human suffering, what is “threatening” and what is an “emergency” is done on a whim, in other words vague, ambiguous and capricious, in the simplest terms UNCONSTITUTIONAL.

The fact is “widespread” and “human suffering” mean different things to different people at different times, which would be fine, unless the lawful enforcement of statute depends upon knowing what “widespread,” “human suffering” and “threatening” mean as is very necessary in the enforcement of ORS 401.165 as we see this unconstitutional flaw in the statute being exploited by Kate Brown through the State of Oregon in

unlawful usurpation of the office and person of Governor of the State of Oregon and direct violation of ORS 401.165(5) causing Francis Steffan Hayes injury and damage to his property, his God given Unalienable Rights by “declaring an emergency” when no “emergency” exists.

What Kate brown has done and is doing is akin to screaming fire in a crowd theater and then beating the people trying to escape with a baseball bat.

What Kate Brown is doing is far beyond only UNCONSTITUTIONAL.

8038 of the People of Oregon died from cancer in 2017 yet the State response is to put a warning on cancer causing products and continue to allow them to be sold.

So you say, yeah but, cancer is not communicable, the only importance of the “reason” people die is to determine if it is preventable. The State has in fact identified cancer causing products and those products presumably at least contribute to 8038 People's deaths, as a matter of fact the defendant thought that cigarettes contributed to such a large degree they sued tobacco companies to which the State of Oregon had received \$690,000,000 by 2013. Yet the State did not ban cigarettes or even require smokers wear a filter on their mouth and nose so they don't spread the cancer causing smoke to innocent bystanders. If smokers, who are deliberately spreading cancer causing smoke to endanger innocent bystanders are contributing, to the tune of \$690,000,000, to 8038 Oregonians death is not “widespread” then 391 cannot be either. For 391 presumptive deaths over six months, we are laid bare and stripped of any protections of the law.

(ORS 401.192)

What about Flu/Pneumonia?

There were 182 more deaths in Oregon in 2017 from the Flu/Pneumonia compared to the deaths attributed to corona virus in 2020 yet no emergency was declared, no liberties were curtailed, no usurpation of the Governor's office or the person of Governor occurred.

These facts should all constitute a likelihood of Francis Steffan Hayes prevailing in this cause by themselves unless this court can imagine some reasonable and lawful argument that would demonstrate through evidence, like a definition or some historical reference, to where a 0.008% death rate was deemed “widespread.”

“Widespread” is a requirement to declare an “emergency” under ORS 401.165 yet we cannot know what “widespread” constitutes in law as it is not defined anymore than “human suffering” or “threatens” is defined or knowable in law as applies to the “emergency” declaration authorizing statute.

ORS 401.165(5) states, “Any proclamation of a state of emergency must specify the geographical area covered by the proclamation. Such area **shall be no larger than necessary** to effectively respond to the emergency.” *[emphasis added]* This section of statute not only commands that, the area under “emergency” shall be no larger than necessary to effectively respond to the emergency but also demonstrates the intent of the legislature to limit the declaration of “emergency” to ONLY apply within an “area”

where “widespread” death, “human suffering,” etc. is actually occurring, WITHIN THAT SPECIFIC AREA.

Jackson County Oregon, the “area” Francis Steffan Hayes' liberty was accosted and his property damaged, has a death rate of 0.00091%, that is 2 dead people in six months out of 220,944 people.

That is NOT “widespread” and NOT an “emergency.”

It is NOT reasonable to act to restrict 220,942 peoples liberties, especially to the necessities of life, over 2 deaths.

Even under an “emergency” that exists in reality and law, the State does not have the lawful authority to infringe on constitutionally protected Rights other than to the degree that is “necessary to effectively respond to the emergency.” (ORS 401.165(5))

Kate Brown's “emergency” declaration's authority relies merely on statute while the Peoples Rights, Francis Steffan Hayes' Rights, are protected by the Constitution, the constitution is overriding superior law, all the time, in every instance.

Judge Aiken claims Francis Steffan Hayes will not experience irreparable harm.

As far as irreparable harm goes, Francis Steffan Hayes has, actually and in reality, experienced public humiliation, denial of service and criminal charge all facilitated by Kate Browns fraudulent and unconstitutional “emergency” declaration.

This situation is ongoing as Francis Steffan Hayes must gather food to survive and that need continues. Francis Steffan Hayes has not attempted to enter any food stores since

the initial incident of injury and damage to Francis Steffan Hayes in an effort to resolve this situation in a peaceful and civilized manner based on fact and reason through the Judicial branch.

However, be aware, this cannot be the case for much longer as Francis Steffan Hayes must procure food to survive and he will not relinquish his Liberty or any other God given Unalienable Rights based on the whim of a tyrant and will do whatever is necessary to procure the necessities of life by whatever means Francis Steffan Hayes deems proper at the time. Francis Steffan Hayes suffers ongoing harm everyday and if this is not resolved here, peacefully, and quickly the damage to Francis Steffan Hayes will not be repairable.

Francis Steffan Hayes owns his Right to Life, Liberty and the Pursuit of Happiness found within the Declaration of Independence brought into lawful force through the Ninth and Tenth amendment to the US Constitution.

Judge Aiken, in her effort to justify unlimited police powers, states, “According to settled principles, the police power of a state must be held to embrace, at least, such reasonable regulations established directly by legislative enactment as will protect the public health and public safety.”

However, that court presumed that “emergency” was real and in this case Francis Steffan Hayes has demonstrated through indisputable statistical, historic and statutory evidence that no “emergency” exists and never has.

Vague, ambiguous, capricious statutes that “mean whatever I say they mean, and I can change my mind at any time for any reason” cannot be considered “reasonable regulations established directly by legislative enactment.”

Oregon Revised Statute 401.165, the statute Kate Brown relies on for the authority to declare and enforce an “emergency,” is unconstitutional for vagueness, for ambiguity and for being capricious furthermore, Kate Brown is in direct violation of Oregon Revised Statute 401.165(5).

So whether this court will be honest and admit 401.165 unconstitutional or not Kate Brown is nevertheless violating Oregon Statute and injuring Francis Steffan Hayes and damaging his property, protected by the United States Constitution, by her violation, Kate Brown is acting outside the authority of the office and person of Governor and therefore acting in her private capacity. Kate Brown is engaged in usurpation, insurrection, sedition and is failing her fiduciary duty under the trust(s), to which she took an Oath, to which Francis Steffan Hayes, one of the People, is beneficiary.

The “emergency” declaration is fraud in it's most obvious sense.

Fraud vitiates everything it touches. (common law maxim) *Nudd v. Burrows* 91 U.S.

416: Fraud destroys the validity of everything into which it enters. *Boyce's Executors v.*

Grundy 28 U.S. 210: Fraud vitiates the most solemn contracts, documents and even

judgments. *United States v. Throckmorton* 98 U.S. 61, 70

The last case cited, Throckmorton, was a case that this 9th Circuit Court decided which

was upheld by the US Supreme Court.

As demonstrated prior, the legislative intent suggested by ORS 401.165(5) is that the legislature commanded that an “emergency” ONLY be declared within an “area,” like a county, to the extent necessary to effectively respond to what ever is causing the “widespread” death or “human suffering.” Kate Brown is acting outside the intent of the legislature.

The Oregon Constitution's preamble states, “We the people of the State of Oregon to the end that Justice be established, order maintained, and liberty perpetuated, do ordain this Constitution.—“

This preamble seems kinda close to what the US Supreme Court ruled that constitutes a States “police powers” even though it doesn't mention public health, morals, OR safety. Order maintained by itself, in a vacuum, may seem to bestow nearly unlimited power of the State to maintain order, however, that “grant” is not given in a vacuum.

If you will notice, “maintain order” is enclosed on one side with “Justice be established” and on the other side with “liberty perpetuated.” The word “and” is used to designate that ALL three listed intentions are included and of equal force at the same time.

This means that while the State is “maintaining order” it must also (and), at the same time, establish justice AND PERPETRATE LIBERTY.

Black's Law dictionary defines “liberty” as, “Freedom; exemption from extraneous control. The power of the will, in its moral freedom, to follow the dictates of its

unrestricted choice, and to direct the external acts of the individual without restraint, coercion, or control from other persons. See Booth v. Illinois, 184 U. S. 425, 22 Sup. Ct. 425, 46 L. Ed. 623 ; Munn v. Illinois, 94 U. S. 142. 24 L. Ed. 77; People v. Warden of City Prison. 157 N. Y. 116, 51 N. E. 1006. 43 L. R. A. 264, 68 Am. St. Rep. 7i”

Merriam Webster defines “liberty as,” the quality or state of being free: a: the power to do as one pleases b: freedom from physical restraint c: freedom from arbitrary or despotic control d: the positive enjoyment of various social, political, or economic rights and privileges e: the power of choice.

Boviers Law dictionary from 1856 defines “Liberty” as, “Freedom from restraint. The power of acting as one thinks fit, without any restraint or control, except from the laws
Perpetrate:1: to bring about or carry out 2: to produce, perform, or execute.

Establish: This word occurs frequently in the Constitution of the United States, and it is used there in different meanings: (1) to settle firmly, to fix unalterably; as in to establish justice, which is the avowed object of the Constitution;

Both “perpetrate” and “establish” cause something to happen (justice and liberty) where to “maintain” is to keep things from happening that disrupt order, to keep things the same. An “emergency” is not “order” it is the absence of “order,” an “emergency” is not peace it is the absence of peace, an “emergency” is not safety it is the absence of safety, an “emergency” is not happiness it is the absence of happiness and living under “emergency” edict is not perpetrating Liberty and being denied due process is not

establishing justice it is, in fact and practice, perpetrating tyranny.

Kate Brown's declared fraud "emergency" has done all the above and through her declaration and subsequent edicts she has highhandedly destroyed the livelihood of hundreds of thousands of Oregonians. Kate Brown has caused "widespread" "financial loss" through her politically motivated edicts, Kate Brown has not and is not responding to an "emergency" she has created and is perpetrating the "emergency" and is expanding it weekly. Her edicts are causing widespread economic disaster, not COVID or anything else other than Kate Brown.

Kate Brown has not effectively responded to the "emergency," because there isn't one, but if there was, not one of her edicts can be evidenced to have saved one life.

As a matter of fact Jackson County Oregon has two claimed COVID-BS deaths yet has 24 suicides through June, Francis Steffan Hayes accuses Kate Brown of contributing to those suicides through her "emergency" response, and I look forward to calling some of those families to testify so Kate Brown can explain how well she has done for them in responding.

Within Aikens "opinion" she makes a statement that reads like straight out of Kate Brown's public relations machine stating, "These guidelines were promulgated by the Governor of the State of Oregon, Kate Brown, in an ongoing effort to combat the indisputable effects of the pandemic caused by 2019 novel corona virus ("COVID-19")."

“Indisputable?” really? This demonstrates that Francis Steffan Hayes cannot get a fair or impartial hearing from a Judge that has already decided against his position, prior to ever hearing it, and done so in a complete vacuum to the facts of the matter.

Some of Francis Steffan Hayes' Rights have been enumerated within the Oregon Constitution as well as the United States Constitution.

Nowhere within the Oregon constitution is “police powers” enumerated to the State.

“Police power” is merely a “doctrine” that the legislature has codified into statute.

Merriam-Webster defines “doctrine” as, “a particular principle, position, or policy taught or advocated, as of a religion or government.”

As a matter of fact, it could be as reasonably and easily claimed that any “police powers” granted by the Oregon Constitution belongs to the People. “We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.— “

ALL power is inherent in the People and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper. That is a specific grant and at least as strong a grant of “police powers” as an innocuous statement of general purpose of the government.

Black's Law dictionary defines “doctrine” as, “A rule, principle, theory, or tenet of the

law; as, the doctrine of merger, the doctrine of relation, etc.”

Will this court allow clearly enumerated God given UNALIENABLE Rights to be infringed by a rule, a theory or a policy? It is not lawful to defeat Constitutional provisions by mere statute and certainly not by a “theory.”

Some have claimed Article I, Section 1 is where the “police power” doctrine is found. If it is, the authors again enclosed “safety” with “peace” on one side and “happiness” on the other. The word “and” is used to designate that ALL three listed intentions are included and of equal force at the same time. This means that while the State is instituting “safety” it must also, at the same time, institute peace and happiness.

Difficult? Only for a tyrant, and it was clearly the intent of the framers of both the US Constitution and the Oregon Constitution to make it as difficult as possible for a tyrant, like Kate Brown, to do exactly what Kate Brown is doing.

Forcing People to do things they don't want to do for no legitimate reason, legitimate in this case means real, able to be evidenced by statistics or otherwise, is NOT peace and it usually makes People Unhappy when they are forced to do things against their will through the threat of violence, incarceration or financial ruin.

I do have enumerated God given protected Rights to go about my daily business in the manner I see best. Even under a legitimate “emergency” the State does not have the lawful authority to infringe on constitutionally protected Rights other than to the degree that is “necessary to effectively respond to the emergency.”

Kate Brown's "emergency" declaration's authority relies merely on statute while the Peoples Rights are protected by the By LAW, Oregon is a REPUBLIC NOT A DEMOCRACY there is no greater Right for a group of men than there is for one man, "We declare that all men, when they form a social compact are equal in right:" This is why the two wolves and a sheep voting for whats for dinner don't get to eat the sheep, the sheep have the Right to life, liberty and the pursuit of happiness. In Aiken and Brown's Oregon, LAMBS FOR DINNER.

Aikin states, "Here, plaintiff does not seek to maintain the status quo in the face of an impending irreparable harm, rather he seeks a sweeping mandatory injunction which would instead drastically alter the status quo because of a harm which already occurred." Pardon me, an "emergency" based on a fraud cannot be "status quo" and Francis Steffan Hayes will never accept or comply with this as "status quo." This is a shocking scandalous statement by a Federal District judge to refer to an "emergency," a fraudulent one at that, as "status quo." "Status Quo" is what we go back to when an emergency is OVER and peace resumes.

Within Aikens "opinion" she makes a statement that reads like straight out of Kate Brown's public relations machine stating, "These guidelines were promulgated by the Governor of the State of Oregon, Kate Brown, in an ongoing effort to combat the

indisputable effects of the pandemic caused by 2019 novel corona virus (“COVID19”).” impartial hearing from a Judge that has already decided against his position and done so in a complete vacuum to the facts of the matter. “Indisputable effects of the pandemic caused by 2019 novel corona virus.” In fact and law the only “undisputable effects” are that the Statewide death rate is 0.008%, the Jackson County death rate is 0.00019%, the presumptive Statewide infection rate is 0.5%, the presumptive Jackson County infection rate is 0.5%

Aiken states, “The requested relief would invalidate every order made pursuant to the Governor’s declaration of a public emergency which has been in place for months. The harm to the public in granting such a TRO, which may result in more transmissions of COVID-19 and more cases of serious illness and death, far outweighs any potential harm identified in the complaint.”

Is Aiken unaware that the death rate in the State of Oregon is 0.008%?

Is Aiken unaware that the padded, oops...presumptive, “transmissions of COVID-19” are 0.5% Statewide?

Is Aiken unaware that getting sick, then getting well is STATUS QUO for being alive?

Is Aiken unaware that the death rate in Jackson County is 0.00019%?

Is Aiken unaware that the...presumptive... “transmissions of COVID-19” are 0.2% in Jackson County?

It is difficult to comprehend that a man or woman rising to the high and honorable

position of Federal District Judge could be so very ignorant to the facts of a case that she presumes to render judgment in.

Francis Steffan Hayes does not believe Judge Ann Aiken is in fact that ignorant, or ignorant at all, but instead that she rules based on her own private political agenda that happens to be the very same agenda Kate Brown has demonstrated and that Francis Steffan Hayes has partially detailed within his motion to recused Judge Ann Aiken who appears, to Francis Steffan Hayes, to be nothing more than a social democrat activist operating behind the cloak of Federal District Judge using her official position to “forward” her private political and social agenda and to act as a gatekeeper for Kate Brown at the District court.

Article I, Section 1 of the Oregon constitution states in part, “We declare that all men, when they form a social compact are equal in right.” Read that with what Hans Linde, a well known and highly respected (ex) Oregon Supreme Court justice had to say, “The Constitution, directs governments how to act and how not to act. The Constitution does not say that a government may act contrary to those directives if judges believe that the government has good enough reasons to do so.” Hans A. Linde, *Who Must Know What, When, and How: The Systematic Incoherence of “Interest” Scrutiny*, in *PUBLIC VALUES IN CONSTITUTIONAL LAW* 219, 219 (1993)

If it is justified to curtail my liberty without due process because I “may” do something or something “may” happen to me then how long before the tyrant decides I “may” get

killed in a car wreck so I cannot use a car? After all I AM more likely to die in a car wreck in Oregon than I am to die from COVID-BS in Oregon.

To infringe upon a mans Liberty based on the speculation that he “may” do something and someone “may” be harmed in “some” way, some how, even though all the evidence demonstrates this as false. This infringement is applied to People that demonstrate absolutely zero evidence that they are a danger in anyway, this is a denial of due process in any form. Restraining Liberty arbitrarily without a hearing is not Due process of any kind.

Whereas, Francis Steffan Hayes, a man presenting his own cause respectfully, yet strenuously, appeals to this court to act within it's jurisdiction and issue an immediate temporary injunction/restraining order suspending the “declaration of emergency” issued by Kate Brown, preventing any and all orders, directives or guidance, rules or advice from being enforced upon the People in any way either directly or indirectly through administrative process based on advice from the State or Kate Brown until such time can be set for Defendants to be heard to explain how a 0.008% death rate is “widespread” or better yet how, within the “area” of Jackson County a 0.00019% death rate is widespread.” How a 99.992% general Statewide survival rate is a “threat” of “widespread” death or “human suffering” that justifies an “emergency.”

There are five major questions posed, is a 0.008% Statewide death rate “widespread,” is a 0.00019% death rate within the “area” of Jackson County “widespread, what is the

specific definition of “widespread” and where is that definition found within applicable law and if there is not one in law, how can ORS 401.165 be lawfully enforced as it is rendered unconstitutional for vagueness, ambiguity and capriciousness and is Kate Brown violating ORS 401.165(5).

There is minuscule (like 0.008%) danger, statistically insignificant, that a cessation of “emergency” and a return to the status quo will result in any harm as there is zero evidence that any provisions and draconian orders Kate Brown has issued has prevented ONE death.

There is however some evidence that Kate Brown's “provisions,” only allowed by “emergency,” have at least contributed to a spike in suicides and there is overwhelming evidence reported in newspapers and television throughout State daily that Kate Brown's unlawful actions have in fact caused “financial loss” to at least tens of thousands of Oregonians, these losses are all caused from Kate Brown's fraudulent orders and edicts based on a fraudulent “emergency” declaration. The only “emergency” that exists in Oregon is a financial “emergency” that Kate Brown's actions have caused and continue to expand.

Therefore, Francis Steffan Hayes, respectfully but strenuously, demands this court issue a preliminary injunction until such time that Defendants can receive a hearing to attempt to justify their actions through evidence.

Date of signing: August Twenty, in the year of our Lord, Two Thousand and Twenty.

Francis Steffan Hayes

Francis Steffan Hayes