

APPENDIX

	<u>Page</u>
1. Legal Standards.....	A1
2. A copy of a legal filing that I attempted to electronically file via e-mail on 10/11/22 at 5:21 pm in <i>Komatsu v. City of New York</i> , No. 21-cv-1838 (RJD) <u>(RLM)(S.D.N.Y.)</u> with that e-mail.....	A2
3. A copy of the e-mail that was sent to me on 11/18/22 at 12:58 pm by Allison Gill Lambert of HRA with an earlier e-mail in which I included her as a courtesy copy e-mail recipient.....	A3

LEGAL STANDARDS

The following table lists and summarizes relevant court decisions and orders as well as findings in them:

#	Decision/Order	Findings
1	<u>Baldwin County Welcome Center v. Brown, 466 U.S. 147, 104 S. Ct. 1723, 80 L. Ed. 2d 196 (1984)</u>	<p>This points out that courts “are required to be sensitive to the problems faced by <i>pro se</i> litigants and innovative in their responses to them.”</p> <p>This also contains findings that conversely point out that a litigant should be granted equitable tolling to do something if one or more of the following circumstances apply:</p> <ol style="list-style-type: none"> a. The litigant “has received inadequate notice” about something. b. A court misled him to believe that he did everything that was required for something. c. A legal adversary committed affirmative misconduct against him that lulled him into inaction. d. He acted diligently to get things done that this applies to.
2	<u>Craig v. Harney, 331 U.S. 367, 67 S. Ct. 1249, 91 L. Ed. 1546 (1947)</u>	This confirms that the judiciary is prohibited from censoring and suppressing events that transpire in proceedings before it.
4	<u>Ingraham v. Wright, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed. 2d 711 (1977)</u>	This confirms that I’m entitled to be free from and to obtain judicial relief for unjustified intrusions on my personal security.
5	<u>Leibovitz v. Paramount Pictures Corp., 137 F.3d 109 (2d Cir. 1998)</u>	The appearance of the photograph attracted widespread attention, and that issue became one of <i>Vanity Fair’s</i> best selling issues of all time.
6	<u>Morrow v. Bauersfeld, No. 21-2928-cv (2d Cir. Nov. 22, 2022)</u>	This uses “unjustified” as the operative, pithy, and substantial word to describe adverse actions and b) confirms that “the temporal proximity between speech and an adverse action and” later “findings that the adverse action was unjustified” was among circumstantial evidence for a court to consider about First Amendment retaliation. This also addresses an instance in which “temporal proximity” for inferring First Amendment retaliation was established “where six months had elapsed and it was “plausible that the officers waited to exact their retaliation at an opportune time””.

7	<u>National Rifle Association of America v. Vullo, No. 21-636-cv, August Term 2021 (2d Cir. Sept. 22, 2022)</u>	This confirms that a) government officials are required to address issues of public concern, b) the “First Amendment forbids government officials from “abridging the freedom of speech”, c) “First Amendment rights may be violated by the chilling effect of governmental action that falls short of a direct prohibition against speech”, and d) “Government officials may not engage in unjustified threats or coercion to stifle speech.”
8	<u>Olmstead v. United States, 277 U.S. 438, 48 S. Ct. 564, 72 L. Ed. 944 (1928)</u>	This both a) confirms that people have a right to be left alone while behaving in a lawful manner and b) contain the following findings about the fact that government agencies and their personnel must lead by example instead of violating laws that may lead to anarchy: “Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means — to declare that the Government may commit crimes in order to secure the conviction of a private criminal — would bring terrible retribution.””
9	<u>Ortega v. Moran, No. 3: 21-cv-485 (JAM) (D. Conn. Nov. 21, 2022)</u>	This points out that no objectively reasonable law enforcement officer would have believed that it would be lawful for a court officer to use force against someone without provocation in the lobby of a courthouse that she was then visiting.
10	<u>Powell v. Alexander, No. 3: 16-cv-01654 (SRU) (D. Conn. Sept. 17, 2018)</u>	This confirms that a) a “failure to exercise independent judgment may help demonstrate involvement in” a conspiracy and b) a “meeting of the minds to violate constitutional rights” needn’t “be overt” “and may be inferred on the basis of circumstantial evidence”
11	<u>Regan v. Time, Inc., 468 U.S. 641, 104 S. Ct. 3262, 82 L. Ed. 2d 487 (1984)</u>	This confirm that that a) a “picture is worth a thousand words”, b) images “are an extremely important form of expression for which there is no genuine substitute”, c) images are “an especially evocative and powerful way of communicating ideas about matters of public concern”, and d) “a statute that substantially abridges a uniquely

		valuable form of expression of this kind cannot be defended on the ground that” “the speaker can express the same ideas in some other way.”
12	<u>Sevy v. Barach, No. 17-13789 (E.D. Mich. Aug. 5, 2019)</u>	This points out that a) “if a videotape shows what happened, then the Court must view “the facts in the light depicted by the videotape” and b) “Sevy was free to employ profanity to articulate his message” while “giving voice to his criticism” about courthouse policies while he was inside of a courthouse
13	<u>United States v. Torres, No. 21-2511-cr (2d Cir. Nov. 21, 2022)</u>	This confirms that a) judges are required to explain their rationale for the decisions and orders that they issue whenever that isn’t readily apparent and b) noncompliance with that would require it to remand cases to allow for meaningful appellate review. This also points out that plain error is an error that “affects substantial rights” and “seriously affects the fairness, integrity, or public reputation of judicial proceedings.”

PRO SE FILING [1:21-cv-1838]

From: Towaki Komatsu (towaki_komatsu@yahoo.com)

To: Temporary_Pro_Se_Filing@nysd.uscourts.gov

Date: Tuesday, October 11, 2022 at 05:21 PM EDT

From,

Towaki Komatsu

802 Fairmount Place, Apt. 4B
Bronx, NY 10460

Tel: 347-316-6180



10-11-22 letter to Judge Dearie in Komatsu v. USA, No_21-cv-1838.pdf

66.7kB

To: U.S. District Judge Raymond Dearie
Brooklyn federal courthouse
225 Cadman Plaza
New York, New York 11201

Cc: U.S. Chief District Judge Laura Taylor Swain
Daniel Patrick Moynihan federal courthouse
500 Pearl St.
New York, New York 10007

Re: a) *Komatsu v. USA*, No. 21-cv-1838 (RJD)(RLM) (S.D.N.Y.)
b) *Komatsu v. City of New York*, No. 22-cv-424 (LTS)

Tuesday, October 11, 2022

Judge Dearie,

Earlier today, personnel of the U.S. Marshals Service (“USMS”) yet again criminally violated 18 U.S.C. §241, 18 U.S.C. §1507, 18 U.S.C. §1509, 18 U.S.C. §1512, and 18 U.S.C. §1513(e) while I conducted myself in an entirely lawful manner inside of the Thurgood Marshall federal courthouse because trash like you, Laura Taylor Swain, and other swine continue to be criminal accomplices of the USMS by enabling those assholes to continue to provoke and stigmatize me very publicly in public areas inside of federal courthouses while I conduct myself in a lawful manner. I’m finished with holding my tongue about this. Since I’m clearly being provoked by them for no reason, I’ll reciprocate that disrespect by exhibiting it towards you because you’re among their gatekeepers about how they may and may not behave. I’m also going to start treating the interiors of federal courthouses like track meets to enforce my rights to privacy while I’m in them. I won’t put anyone in danger while doing so. Quite to the contrary, I’m going to reduce my risk of Covid-19 transmission by forcing social-distancing between CSOs and I by ending their stalking of me. At 12:45 pm today, I yet again saw a fucking image of my damn face on a fucking tablet computer screen in the security screening area inside of the

Thurgood Marshall federal courthouse on its first floor where there are 3 video security cameras installed. I have already submitted a FOIA demand to the USMS to have it provide me the video recordings from those cameras for that period. However, the USMS will continue to engage in a fucking cover-up that you're illegally condoning. Immediately issue a fucking order to direct the USMS to provide me those videos within 24 hours to provide to the U.S. Supreme Court in addition to authorization to file a further amended complaint in response to violations of 5 USC 552a(e)(7) and New York State Civil Rights Law 50 by continuing to show my damn face on those fucking tablet computer screens.

From,

Towaki Komatsu

s_ /Towaki Komatsu
Plaintiff, Pro Se

802 Fairmount Pl., Apt. 4B
Bronx, NY 10460
Tel: 347-316-6180
Towaki_Komatsu@yahoo.com

Re: [EXTERNAL] Fair hearing demand

From: Gill Lambert, Allison (gill-lamberta@dss.nyc.gov)

To: towaki_komatsu@yahoo.com

Cc: scaliaa@dss.nyc.gov; ligrestip@dss.nyc.gov

Date: Friday, November 18, 2022 at 12:58 PM EST

Dear Mr. Komatsu,

We are able to have you view the contracts virtually through TEAMS. Please let us know your availability on Monday to view the contracts via TEAMS.

Thank you,

Allison Gill Lambert | Deputy Chief Legal Affairs Officer

Pronouns: She, Her, Hers [Gender Pronouns Guidelines](#)

OFFICE OF LEGAL AFFAIRS

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Human Resources
Administration
Department of
Homeless Services

**Department of
Social Services**

Serving New Yorkers with Care and Compassion

From: Towaki Komatsu <towaki_komatsu@yahoo.com>

Sent: Thursday, November 17, 2022 1:08 PM

To: Marks, Nigel A (OTDA) <nigel.marks@otda.ny.gov>

Cc: Scalia, Ann Marie <scaliaa@dss.nyc.gov>; Gill Lambert, Allison <gill-lamberta@dss.nyc.gov>; Spitzberg, Samuel L (OTDA) <samuel.spitzberg@otda.ny.gov>

Subject: [EXTERNAL] Fair hearing demand

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@oti.nyc.gov as an attachment (Click the More button, then forward as attachment).

Mr. Marks,

I'm sending this e-mail to convey my demand for OTDA to immediately conduct a fair hearing about the material fact that HRA's personnel are continuing to criminally and pretextually block me from being able to obstruct my First and Fourteenth Amendment right to be accorded pro-bono legal representation partly about housing matters as they're doing that partly by criminally continuing to prevent me from visiting HRA's headquarters at 150 Greenwich Street in Manhattan on its 37th floor partly to examine draft copies of proposed contracts between a) HRA and and DHS on one hand and b) various vendors on the other that include vendors provide pro-bono legal representation for use