

Terrie Holscher (PRO SE)
280 W. Kagy Blvd., #D-100
Bozeman, Montana 59715
PH: (480) 688-3291
Email: mrprllc@gmail.com

BEFORE THE UNITED STATES DISTRICT COURT OF MONTANA

Terrie Holscher,)
Plaintiff,)
	) Case No.CV-20-67-BU-BMM
)
Vs.)
	) Plaintiff's Amended Complaint
	) and Claim for Violations of the
Matthew J. Deurmeier, FBI AGENT,	) United States of America
et al.,	) Constitution (Criminal Trespass,
Defendants.	) Theft by Deception, Color of Law,
	) Criminal Impersonation, Armed
	) Robbery, Transporting Stolen
	) Property Across State Lines,
	) Unreasonable Search & Seizure,
	) Warrantless Airline Listing bomb
	) dog searches every gate, bumped
	) flights, forced overnights days
	) mid-trip delays-every gate bomb
	) machine residue searches)
)
)
)
)
)
)

Plaintiff's Amended Complaint and Claim for Violations of the United States of America Constitution (Criminal Trespass, Theft by Deception, Color of Law, Criminal Impersonation, Armed Robbery, Transporting Stolen Property Across State Lines, Unreasonable Search & Seizure, Warrantless Airline Listing as bomb threat, Warrantless airport gate dog searches (every gate) bumped flights, forced overnights, mid-trip delays-and every gate bomb machine residue searches)

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff states as follows in support of her Amended Complaint:

Plaintiff herein her Amended Complaint reiterates, the trial (should defendants survive Plaintiff motion for Summary judgement) shall be trial by jury in the face of the overwhelming facts coming to light in this case in favor of Plaintiff and exposing dirty cop criminal acts executed absent requisite authority, upon Asian feminine senior American – Plaintiff, pro se.

1. Defendant Deurmeier, states he is an FBI Joint Terrorism Task Force JTTF highly trained Bozeman front line defense against terrorism, both international and domestic. Deurmeier et., al., June 2, 2020 created a “fiction,” that fiction was then exposed on April 11, 2021 when (DeSoto) unsealed Deurmeier et., al.’s, conspired then executed FBI “fiction.” FBI by façade convinced AUSA Jeff Starnes to open a case file, then convinced Starnes to seal the case file, to obfuscate the case was harassment “probable-cause-less,” merely yet another FBI racist “targeting,” this FBI target, a senior American Asian feminine working seven day weeks in business. Duermeier et., al., with *too much money and time* on its hands, so Deurmeier spuriously instructed his three stooges “in concerted false constructs” to false claim unlawful possession of firearms and explosives to unduly influence unduly AUSA Jeff Starnes in Great Falls. Deurmeier used the FBI’s usual nonsensical and customary wild-eyed unsubstantiated claims that Deurmeier was faced with, “a senior, feminine Asian American business woman,” whom for Starnes racist Deurmeier relabels an “international ANTIFA bomb shop-op” in Bozeman, Montana.
2. Plaintiff hereby incorporates by reference herein for all purposes as if fully stated, certain keywords and phrases, within this document shall be defined by the word WHERE as defined in Black’s Law 11th ED below. The following are those words and phrases that for purposes of this document shall be synonymous with WHERE : *place; location; premises; 200 GLACIER MOUNTAIN LN, BOZEMAN, MONTANA; or 240 GLACIER MOUNTAIN LN, BOZEMAN,*

MONTANA and for purposes of this document those certain keywords and phrases *shall not refer to geographical location.*

Black's Law 11th ED. defines WHERE. At the place. *Girl v. U. S. Railroad Administration*, 194 Iowa 1382, 189 N.W. 834, 835; *Shearer v. Farmers' Life Ins. Co.*, 106 Kan. 574, 189 P. 648, 650. As used in the statutory language, "where the prosecution is held," **the word does not refer to the geographical location of the place** of hearing, but rather to the tribunal or official before whom the case is tried. *Barth v. State*, 107 Ohio St. 154, 140 N.E. 650, 651.

Brief Description of the Nature of Claim

3. Plaintiff seeks monetary damages for the violations of second, fourth and fifth Amendments, by federal officers Special Agents of the FBI Matthew J. Deurmeier and Jonathan M Tjernagel, "acting" unlawfully in concert with the FBI Stooges (agents, administrators employees) — Kenneth Hess and Robert Wayne Harris and Sean R. Maguire (FBI co-conspirators) resulting in Hess and Harris coordinating a fake/false ANTIFA bomb and bomb materials threat to local police authorities in Bozeman, Montana, without "probable cause" on about and in between May 22, 2020 and June 3, 2020.
4. On June 3, 2020 Deumeier, absent authority of a "valid WARRANT" executed a crime spree – no "qualified immunity" exists for the following; Deurmeier committed his crimes without "probable cause" and no valid "WARRANT," therefore committed his crimes "a true living natural man upon a true living natural woman and true living natural others" **not "as an federal agent."** His victims are MRPR, LLC, Plaintiff, and others (protected by limitations the second Amendment places upon all agents) – except Deurmeier?
5. **In Montana**, Plaintiff may "choose" to purchase own and possess federal registered tax stamp 'firearms,'" 26 U.S. Code § 5845. Definitions (a) Firearm. The term "firearm" shall not include an antique firearm or any device (other than a machinegun or destructive device). Plaintiff has never owned any Title 26 U.S. Code § 5845 (a) Firearm. - sawed off shotgun, sawed off rifle, destructive device, machinegun, any other weapon(e), or silencer, etc.

6. **In Montana**, Plaintiff may “choose” to purchase, collect, own or gift to her sons “*non-firearms*” such as guns ammunition magazines etc. The type Deurmeier took in theft by deception, absent probable cause nor authority from DeSoto to search 200 GLACIER MOUNTAIN LN) nor authority to commit theft of others of their triple-locked-secured weapons and ammunition safes/containers, along with Plaintiff personal and business property, causing loss of income and infliction of intentional emotional distress, exceeding two and a half million dollars in damages in certification capability losses. ***This June 3, 2020 matter and Tjernagels failure to in June 2018 to prosecute Harris is (malfeasance of office) and the direct cause of Plaintiff’s loss of specialized production (defendant’s put Plaintiff out of business) cost Plaintiff her USMC bid capability (average order 37,000 units) directly attributable to racists Deurmeier-Tjernagel et., al., Plaintiff’s is an open-ended loss to be determined in years of loss and tens of millions of dollars, to be determined by a court.**
7. June 2, 2020 Deurmeier could have avoided this fatal to his parallel case, and his own defense in this case, simply by his compliance with federal and state law, which requires, “*all land shall be described by metes and bounds.*”
8. June 2, 2020 DeSoto issued Deurmeier a “WARRANT” specifically authorizing him to search only his coconspirator’s home at (240 Glacier mountain LN).
9. Deurmeier, Hess, Harris and Maguire acted together in bad faith and JTTF Deurmeier not only knew of Hess, Harris and Maguire’s bad faith and conspiracy, but Deurmeier acted in a manner to facilitate their fake/false ANTIFA bomb and bomb materials threat.
10. Deurmeier on June 3, 2020 *without probable cause* no valid “WARRANT;” did commit *unlawful entry* (breaking and entering) upon and into 200 GLACIER MOUNTAIN LN. A *location not* listed on DeSoto’s search “WARRANT.” Duermeier violated (18 USC Sec. 242) operated under color of law - criminal impersonation in executing his theft by deception armed robbery of MRPR, Plaintiff

and others. Then committed “**interstate transportation of stolen property**” (stolen goods transported to Salt Lake City, Utah).

11. **Plaintiff demands the immediate return of all property**, each day it is not returned losses and damages increase. The Deurmeier racist driven theft was ***not*** authorized by DeSoto’s “WARRANT.” DeSoto’s habit of “rubber stamping” caused serious health ramifications, financial losses and physical and emotional damage to plaintiff.
12. **But for Deurmeier’s unlawful conduct**, Plaintiff would not have been damaged and/or injured. The U.S. Supreme Court held in *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), that violation of fourth amendment can rise to a federal cause of action for monetary damages for unlawful search and seizure.
13. David Lester Straight, CFO shall testify to all material things, evidence and testimony pertaining to Petitioner’s cause of action, from his personal knowledge and personal losses in the Deurmeier WARRANTLESS 12.5 hour armed robbery of 200 GLACIER MOUNTAIN LN, June 3, 2020

I. Jurisdiction and Venue :

- 14 . This Court has jurisdiction pursuant to 28 U.S.C. Section 1491(a)(1), and *Bivens*, supra.

Venue is proper because the FBI Defendant (Deurmeier) resides in Bozeman and has place of business in Bozeman. All other Defendants reside in Bozeman as well. Substantially all of the actions complained of occurred in Bozeman, Montana, and within the jurisdiction of this Court.

II. Parties

- 15 . Terrie Holscher, Plaintiff, (senior Asian feminine) is the owner of her food inventory business and business storage in MRPR LLC’s warehouse in Bozeman, Montana.
16. Kenneth Allen Hess resides in Bozeman, Montana, and was

Plaintiff's Landlord, and as Landlord Hess has tried everything he can to unlawfully evict MRPR LLC business warehouse and Plaintiff from her business storage premises (which are owned by Hess).

17. Robert Wayne Harris resides in Bozeman, is a certified mental case, with no credibility who for the past several years has waged a campaign of terror and hatred against Plaintiff, in part because Harris is a White Supremacist who hates and persecutes Plaintiff because of her gender (female) and because of her race (Asian). Harris has tried to extort money from Plaintiff and to destroy Plaintiff's food inventory business. Duermeier and Tjernagel and SSAC Stephan Payne knowing this fact set intentionally used Harris as a deadly weapon on Plaintiff and her children for 5.5 years non-stop.
*(in gross malfeasance of office)

18. Harris testified:

"I can prove, I was in Matt's (Deurmeier's) office at 9:00 AM May 22, 2020 waiting, by FBI texts and phone calls, and FBI in-office-video of me and Matt, and by Hess and my cellphone records of cell sites used" "I received the call from Hess' telling me a bomb exploded in warehouse," "I told him, I'm right here in the office, I can go across to the Sheriff and report it."

Source: Certified Transcripts: of Harris sworn under penalty of perjury testimony 6th and 18th District courts, Montana. [See also, Harris ANSWER in this case.]

19. Harris testified:

"I've invested 20,000 hours (5 years 8 hours per day no lunch) and thousands of my own money to destroy this woman."

Source: 1. See, Harris’ “ANSWER” in this case. 2. Harris: sworn testimony January 27, 2021 6th District Court. 3. Harris testimony 6th District April 12, 2021.

Mental Health Robert Wayne Harris

Source: California imposed “Permanent Protection Orders” restrained person-Robert Wayne Harris. California courts’, denial of Harris, “PETITION FOR RELIEF FROM FIREARM PROHIBITION.” In CIVDS901830, California Judge Kenneth R Barr before trial, initiated a mental health case on Harris pursuant to Welfare & Institution 8103, reassigned Harris to (mental health) Dept. S31 for all purposes, then removed the prosecutor, finding Harris unfit therefore denied Harris, (PETITION FOR RELIEF FROM FIREARM PROHIBITION) without hearing before trial (pre-trial-denied-the-petition). Judge Barr ordered a “Confidential report placed in file,” and continued Harris’ *mental health firearm prohibition* from its initial imposition upon him in the 2005 in John E Marble family case SCVSS128605 vs. Robert Wayne Harris et., al.. Judge Barr having seen that case’s under-lying Harris extreme physical and verbal aggression towards women, Harris habitual use of electronic surveillance on women 2000 -2020, Harris physical stalking, following, blocking passage on thoroughfares, entering upon and into young women’s premises, filming his neighbors toddler girls at their pool, neighbors pools, through their bedroom windows, as well as Harris opioid and alcohol addiction history. Judge Barr in CIVDS901830 denied the hearing of Harris PETITION OF RELIEF FROM FIREARM PROHIBITION, as per CA DOJ (mental health records support) mhrc-bureau of firearms.

California January 01, 2020, by law made Harris’ mental health firearm prohibited for life.

20. Deurmeier knows this, his former CR Chief boss Kris McLean and Chief Thaggard both made this known to Deurmeier – McLean did so en’ behalf of Plaintiff. See McLean-Holscher contract (limited to all things Harris) and to facilitate physical drug evidence transfer from Kris to “real investigators.” McLean n’ Plaintiff contract is within Plaintiff request

Crum and Johnson be ordered to show cause for their perjury. Matthew J. Deurmeier, Special Agent in Charge, is the FTTJ FBI Agent assigned to Bozeman, Montana, and Deurmeier resides in Bozeman, Montana. Deurmeier is HARRIS' facilitator/accomplice and has covered up HARRIS' other federal crimes for 5.5 years. Plaintiff believes that Duermeier is complicit with Harris in those other federal crimes and therefore ignores them and refuses to prosecute them even though Duermeier is aware of them.

21. Defendant Christopher Wray is the Director of the FBI, and is responsible for the day to day operations of the FBI, and oversees FBI Agent Deurmeier. Defendant the United States is the federal employer of FBI Agent Deurmeier. The FBI and the United States failed to properly supervise Deurmeier and are therefore vicariously liable to Plaintiff in this case under the Doctrine of Respondent Superior, allowing and empowering Deurmeier to totally disregard and/or violate the limitations placed upon "all" agents (to include Deurmeier) by the fifth, fourth, and second Amendments of the United States of America Constitution.

Additional Material Factual Allegations:

22. Deurmeier forged the signature of U.S. federal Magistrate Kathleen L. De Soto on the invalid so-called search warrant used in the June 3, 2020 illegal search and seizure raid (theft by deception) on Plaintiff's whole food inventory business in Bozeman, Montana, in a conspiracy with HESS, HARRIS and MAGUIRE. Federal unsealed disclosures prima facie evidence this is true. See unsealed disclosure April 12, 2021.
23. HARRIS is a certified mental case (White Supremacist) with no credibility, and is known to be so by Deurmeier. He and Tjernagel have Harris for countless 18 USC 2320 ® as well as 17 USC © felony violations, to include lying to federal FSIS agents and filing hundreds falsified federal USDA claims with cyber extortion demands for money sent Plaintiff for Harris personally and by others Harris suborned into filing perjury claims en' Harris behalf in sync; "for money they'd stop." [Source: Kris Mclean Letters to CR Chief Thaggard, Facebook, and Harris. FOIA USDA FSIS CID disclosures and FSIS fed-agent investigators]

24. Deurmeier has been covering up for HARRIS' federal crimes for over five and half years. There is an existing criminal and mental health institutional digital file on HARRIS (which Deurmeier has access to) which crimes Deurmeier refuses to investigate or prosecute.

25. Plaintiff is familiar with Magistrate Kathleen L DeSoto's authentic signature because DeSoto was the federal magistrate who presided over Hess' illegal self-help eviction proceeding (against Plaintiff) in federal court and Kathleen L DeSoto issued several signed Orders in that eviction case (in which Plaintiff has prevailed in the Ninth Circuit). The forged signature on Deurmeier's search warrant does not even begin to look like Kathleen L DeSoto's authentic signature. [Source: April 12, 2021 unsealed fed-disclosures-no permission granted.]

26. Deurmeier ignored the former Criminal Chief Asst. U.S. Attorney's request to investigate and charge HARRIS. Deurmeier refused to do so and further refused Criminal Chief Taggart's request even though HARRIS' misconduct has been described as "illegal narcotics and weapons case, with 50 documented counts of cyber extortion, as well as crimes of lying to CID agents, counterfeiting violations, unauthorized use of copyrights for money crimes, as well as others.

27. HARRIS' digital file can accessed at this web location: *(US Manufacture hospital distribution supplier drugs (stolen by Harris et., al.,) physical evidence bearing Harris finger prints, the images provided expiry, lot # and batch # that track from RX distributors to the end user hospital surgical units the drugs are stolen from by Harris et., al., in CA, and trafficked by Harris – Deurmeier knows this for 4 years- used Harris as a weapon on Plaintiff.

Website: **128.199.176.138**

(Physical evidence section added bearing Harris finger prints).

User name: **data dump**

Password: **facilitator**

28. There exists physical evidence with HARRIS prints and of HARRIS' 2000-2019 opioids trafficking, narcotics, morphine, oxycodone, and nerve deadening agents. January 2019, former CR Chief McLean, CR Chief Thaggard and Plaintiff separately press Deurmeier to investigate and submit Harris for multiple federal felonies McLean and Thaggard supplied Deurmeier and Tjerangel with numerous prima facie case

evidence on Harris. Plaintiff at length apprised Deurmeier where to search Harris storage hides used to store his drug stash on a Friday February 11, 2019 late afternoon. Plaintiff told Deurmeier, tell Harris, and watch, Harris will clean out his hide and run to CA to warn FTF others involved and his suppliers (no phone chatter). Deurmeier told Harris of my call to him Friday the on February 11, 2019. Harris in less than 72 hours packed out storage units and left for 10 days late evening Monday February 13, 2019 just as Plaintiff predicted to Deurmeier.

29. Kris McLean had already sent Chief Thaggard photographic proof of existing physical evidence proof of Harris- Carson et., al., stolen US manufacture narcotics, the drugs being stolen by Harris-Carson, et., al., with photos identifying Carson Harris lead supplier of five people in California with access at Kaiser Permanente, Arrowhead surgical unit centers. [**As per Harris sworn testimony**, Harris 2021 6th District Transcript verbatim quote]:
30. (a Thursday) - *“February 14, 2019 while in California, I received a phone call from agent Deurmeier while I was at Donna’s house. He said he needed to meet with me ASAP. I stated when I planned to return. He asked me questions regarding where I was, when I left, what stops I made, etc. I stated when I planned to return and when I’d be able to meet with him. He would not reveal why he had contacted me, but said it was imperative that we meet ASAP. I met with agent Deurmeier Feb 22 at his office. He proceeded to interrogate me for approximately 45 minutes. He stated ‘There was a death threat called into the Governor’ (he didn’t say which one and I didn’t ask). I gave him detailed report where I was at all times. He then asked me about weapons and traveling.”* **Note: the threat call was made from a California cell tower, from a 909 cell phone. Harris’ cell phone area code is 909, he was in California**

Source: JP Court Bozeman Montana³ HARRIS has a Nine State narcotics distribution.

31. Duermeier, CR Criminal Chief AUSA Kris McClean, CR Chief AUSA Joseph Thaggard, HSI federal agent Troy Casper, and FBI Agent Jonathan M Tjernagel have knowledge of HARRIS' federal crimes described above and much more..
32. HARRIS came from California to Plaintiff's business in Bozeman in 2014. Later HARRIS demanded that I "sell" him my exclusive proprietary impermeable protective coverings.
33. HARRIS claimed that he (Harris) believed that my protective coverings used by me in my food inventory business would allow his drugs to evade drug detection sniffing machines and drug detection dogs.
34. HARRIS stated that his drugs could be shipped in Plaintiff's bacon packs and shipped undetected, and that Plaintiff would "make a fortune" with him (Harris).
35. Plaintiff refused HARRIS' proposal and had him removed from Plaintiff's premises. Harris then vowed to "rape, sodomize, destroy, and then kill," Plaintiff.
36. FBI Agents Duermeier and Tjernagel in 2017 and 2018 were informed by USDA CID Agent Sullenes that HARRIS "was out to destroy" Plaintiff's business.
37. FSIS CID Agent Sullenes informed Duermeier and Tjernagel in 2017 and 2018 that HARRIS had filed 38 false complaints with the USDA against Plaintiff and had acted with Sean and Kaleigh Maguire in as many other false complaints against Plaintiff, extorting money from Plaintiff.
38. HARRIS misconduct described above resulted in the disruption of Plaintiff's business and resulted in zero sales over a ten-month period in 2017 and 2018, and heavy losses in 2019.
39. Duermeier and Tjernagel (FBI Agents) assigned to Bozeman took no action whatsoever against HARRIS.

40. HESS and HARRIS (acting together in concert) have made numerous intrusions into Plaintiff's business in order to destroy her business, including making unannounced and unauthorized entries at Plaintiff's business, stealing her (FCC governed) security equipment and internet communication equipment, theft of company five ton delivery truck (valued at (\$124,00.00) using counterfeit/stolen government paper (U.S. Government SF-97) and contamination of Plaintiff's food inventory.

41. HESS and HARRIS' unauthorized intrusions into Plaintiff's premises have caused her food inventory to become "tampered" and "contaminated", meaning Plaintiff cannot certify to her HRI clients and customers that the food inventory products provided to them by Plaintiff have not been "tampered" with, causing the food inventory to be subjected to seizure testing and destruction and deemed unsellable the public, due to possible risk of tampering and/or contamination caused by HESS and HARRIS

Timeline of Conspiracy by Duermeier, Hess, Harris and Maguire which constituted a campaign of terror and hatred that was continuous and so Adverse so as to totally destroy Plaintiff's business and health to cause Plaintiff to suffer intentional infliction of emotional distress

SUMMARY:

42. 2015-2016 --- HARRIS tried to buy Plaintiff's technology and protective coverings for HARRIS illegal drugs trafficking.

43. 2017-2018 ---- Defendants (through HARRIS) filed over 38 each (114) false complaints with the USDA. The USDA made three separate audits of Plaintiff's business.

44. 2019-2020 --- Defendants make unlawful unauthorized intrusions into Plaintiffs business, causing theft of business security equipment, theft of company truck, and tampering and contamination of Plaintiff's food inventory

45. January 2020 – HARRIS was bragging that he (Harris) had made a fake/false claim that there were bomb/bomb materials on Plaintiff's business property.

46. HARRIS was overheard making that claim about false bomb threat by a licensed Security Officer.
47. May 22, 2020 --- HESS and DEURMEIER were at Plaintiff's business premises (when Plaintiff was not present) in preparation for unlawful raid search and seizure.
48. June 1, 2, 3, 2020 -- HARRIS is overheard by Postal employee herein. HARRIS bragged that he had made a false bomb threat regarding Plaintiff's business.
49. June 3, 2020 --- Defendants' illegal/unlawful search and seizure in violation of Fourth Amendment of U.S. Constitution
50. On June 3, 2020, Defendants conducted a illegal/unlawful/ unconstitutional raid search destroy and seizure of Plaintiff's business. Defendants told police that there were bomb/bomb making material stored at Plaintiff's business warehouse where she has her food inventory stored. **The FBI conspiracy was meant to falsely create a probable cause "scenario" when in fact the raid was a retaliatory raid to destroy Plaintiff's business** in violation of Fourth Amendment, Second Amendment, and Fifth Amendment limitations on all agents *(excepting Deurmeier) under the United States of America Constitution Literally, there was a theft of Plaintiff's property—theft of guns, personal property, theft of tools, photographs, papers, things and other property. Nothing taken was illegal/unlawful to possess and/or own.
51. Some items that were stolen are on the FBI "Theft List," and other items stolen are not on the FBI "Theft List." This is a problem agency wide these days. **Source:** See also California current FBI robbery of eight hundred Americans' unauthorized by warrant theft of lock box content, life savings, gold coins, family jewelry, absent warrant for box content.
52. Due to Deurmeier's complicity in the conspiracy and illegal unlawful break-in, theft by deception Plaintiff has suffered loss of property, loss of business income, and has suffered severe emotional distress. Deurmeier knew he had zero probable cause, is most definitely personally responsible for his knowing, willing and intentional infliction of emotional distress. [**Source:** Deurmeier sworn admissions to probable cause to him being 2013 third party hearsay

(“8 year old hearsay”)] – DeSoto never saw this (for 11 months neither did Plaintiff) Unsealed fed-file prima facie evidences - no Affidavit exists June 2nd 2020 - April 11th 2021) or she just rubber stamped it.

53. The FBI unlawful entry and theft of property lasted more than 12.5 hours. HESS and Harris were allowed by Duermeier to be present during the June 3rd 2020 theft. [Source: Sworn testimony Hess & Harris.]
54. Duermeier stated to Plaintiff that he was there to seize “bomb and bomb making material,” none of which was present on Plaintiff’s premises. Therefore, on the June 3rd armed robbery theft NO BOMB OR BOMB MAKING MATERIAL WAS SEIZED.
55. There was no valid warrant. Duermeier is lying. The federal magistrate’s signature on the warrant was forged, warrant is without raised court SEAL, the Clerk of the Courts signature certifying in fact a Judge/Magistrate signed the warrant is missing making the warrant invalid a fiction on its face. Source: Judge Morris ordered fed-unsealed disclosures-“no evidence exists allowing Duermeier to sign for DeSoto.”
56. There was no probable cause to consider the issuance of the warrant to begin with. HARRIS is a certified mental case with no credibility, and a known drug dealer who has a motive to persecute Plaintiff. HESS has no credibility either a multi-convicted DUI alcoholic and convicted for theft of alcohol from local convenience stores. HESS has been trying to illegally evict MRPR LLC and Plaintiff for two Years, by habitual (110) unlawful entry(s), theft, harassment, turning off the heat and water to warehouse all winter, changing propane account from lease hold tenant MRPR LLC, into his own name (K.A. Hess) attempting then to force MRPR to pay him (Hess) for MRPR’s own propane, all in violation of state laws prohibiting “self-help-eviction” by harassment and theft. HESS has conspired with HARRIS and DEURMEIER to destroy Plaintiff.

INVALIDITY OF THE SEARCH AND THE SEARCH “WARRANT”

57. It is undisputed that the invalid search “WAR’ RANT” on its face authorized FBI agent Duermeier to conduct a search and seizure at 240 GLACIER MOUNTAIN LN BOZEMAN, MT. Instead of searching the authorized location (240 GLACIER MOUNTAIN LN BOZEMAN, MT). Agent

Duermeier wrongfully conducted a search (B&E) and seizure (THEFT) of the *premises* at 200 GLACIER MOUNTAIN LN BOZEMAN MT--- Which is Plaintiff's business storage (the business warehouse leased to MRPR, LLC, of which Shideler was never a member). Plaintiff Swm Dec, 37-39).

58. FBI Agent Duermeier went beyond his line of authority, exceeding the line of authority given by Magistrate De Soto. Any and all items/property searched and seized at Plaintiff's business warehouse at 200 GLACIER MOUNTAIN LN were illegally wrongfully seized in that Agent Duermeier had no legal authority to search and seize anything at 200 GLACIER MOUNTAIN LN.
59. **Deurmeier, et., al., on or about June 3, 2021 knowing willing and with intent did commit criminal trespass in violation of 18 USC 242 under color of law criminal impersonation in breaking and entering and armed robbery of senior feminine Asian American business woman in a "theft" by deception racist rant and crime spree. [See complaint-criminal referral requested below.]**
60. The Fourth Amendment confines an officer executing a search warrant strictly within the bounds set by the "WARRANT" *Marron v. United States, 275 U.S. 192, 196, 48 S. Ct. 74, 76, 72 L.Ed.231 (1927)*. Agent Duermeier violated Plaintiff's God given right (reasonable expectation of privacy at her business warehouse), and therefore Deurmeier's unlawful search (without any lawful authority) *stripped him of any qualified immunity* for his unlawful conduct. This doctrine that an officer must not exceed his line of authority is so clearly established that a reasonable agent/officer would have known it. *Marron, ibid.* It is unreasonable to go to the wrong *location* or *premises* and conduct a criminal trespass, break and enter, committing a 25 agent armed robbery theft by deception in lieu of an authorized search and seizure.

Deurmeier for 12.5 hours absent authority ransacked MRPR, Plaintiff and others triple locked container property with as much authority to do so as the ice cream man

Wrong WHERE to search, without authority, when in fact the face of the "WARRANT" clearly identifies the *location* to be searched is 240 GLACIER

MOUNTAIN LN, not 200 GLACIER MOUNTAIN LN. In short, Duermeier committed an unreasonable search and seizure in violation of Fourth Amendment imposed limitations upon all agents and magistrates. Since Duermeier has no qualified immunity for his June 3, 2020 unlawful conduct in this case, he acted in his true living natural man capacity, thus Mathew J Duermeier not agent Duermeier is personally and criminally liable for his criminal misconduct. Liable to the true living natural men and woman he assaulted, sequestered, then robbed. Duermeier should have known not to conduct a search (B&E) and seizure (Armed Robbery Theft) at the wrong *premises/location* (particularly since the only authorized search location is clearly shown on the face of the “WARRANT”).

61. Plaintiff has pled the elements of a Bivens action in her Amended Complaint. See, Bivens, 403 U.S. 388 (1971); Pearson v. Callahan, 555 U.S. 223 (2009); Butz v. Economou, 438 U.S. 478 (1978); Harlow v. Fitzgerald, 457 U.S. 800 (1982); Taylor v. Riojas, United States Supreme Court (Per Curiam Decision) (2021) [Supreme Court denied qualified immunity defense prong that “law was not clearly established.”].

NO PROBABLE CAUSE

62. There was no probable cause established by Duermeier in his affidavit in support of search warrant. (Swn Dec, para 12 thru 26). Agent Duermeier makes conclusionary hearsay statements (without having any facts or credible evidence in support).
63. **Applying Duermeier’ methodology to probable cause to hearsay about Duermeier’s wife, the following scenario would similarly apply to her. It is common hearsay among local lawyers around Bozeman, Montana that Mrs Mathew J Duermeier a fifth grade teacher in Bozeman brags to 5th graders her family were slave owners. Does that hearsay rise to a level of believability (or probable cause)? If so, Mrs Duermeier should be stripped of tenure and fired for preaching racism?**
64. An officer seeking a “WARRANT” must produce adequate supporting FACTS about the underlying circumstances to show that probable cause exists to support the particular search requested. See, Hudson, 543 F.3d 94; United States v. Edwards, 813 F.3d 958, 968 (10th Cir. 2015) “Fourth

Amendment rights” (i.e., Fourth Amendment limitations imposed upon and magistrates) “cannot be vitiated by fallacious inferences drawn from facts not supported by the affidavit.” “Even requirement that the factual basis for a probable cause police officers who lack legal training are expected to know of the determination must be stated in the affidavit”; *United States v. Needham*, 718 F.3d 1190, 1195 (9th Cir, 2013) “holding bare inferences alone do not establish probable cause”. In *Aguilar v. Texas*, 378 U.S. 109 n1, 84 S. Ct. 1511, 1512, “held that a Magistrate issuing a search ‘WARRANT’ must perform a neutral and detached function and not serve merely as a “rubber stamp” for the police.”

NO PERMISSION GIVEN BY KATHLEEN L DE SOTO
TO SIGN HER NAME ON WARRANT

65. Agent Duermeier was not given proper permission by Magistrate De Soto because Duermeier did not properly comply with the mandatory requirements of Rule 41, Fed. R. Crim. Procedur . (Swn Dec, para 27-38).

DUERMEIER WAS NOT AUTHORIZED TO SEARCH AND SEIZE THE FIRE SAFE AND THE DUAL LOCKED STEEL CONTAINERS; CONTAINING DOUBLE-LOCKED FLIGHT CASES CONTAINING THE GUNS WITH INDIVIDUAL TRIGGER LOCKS; AND CONTAINING SUPPRESSORS IN A LOCKED STEEL CASE AND CONTAINING AMMUNITION CONTAINED IN STEEL BOXES FACTORY CASES AND BOXES AND OTHER LAWFUL TO OWN NON PROHIBITED ITEMS (STOLEN BY DUERMEIER) THAT BELONG TO PLAINTIFF’S CHILDREN

66. All of the alleged “prohibited” items (including guns, suppressors, ammunition, gun powder, and any other items/property improperly attributed as being in the possession of Greg Shideler—an alleged “prohibited possessor) actually belong to Plaintiff’s children who did not agree or otherwise authorize Duermeier to search and seize their locked containers on June 3, 2020.

67. Duermeier willingly, knowingly, and intentionally conducted an unlawful search and seizure on June 3, 2020, as described fully herein. Duermeier overreached his line of authority in the “WARRANT” because (even if Duermeier was supposedly looking for guns, ammo, suppressors, etc, constituting contraband for an “alleged prohibited possessor”) those items were not in plain sight and were locked and double-locked inside hard flight cases containers in dual locked steel containers, guns had trigger locks. Additionally, those locked containers (and the property inside them) did not belong to Greg Shideler, Terrie Holscher, or MRPR LLC. Further, as it turns out Agent Duermeier did not have authority to even search at MRPR, LLC’s business warehouse (where the locked containers were stored)--- located at 200 GLACIER LN. Duermeier’s authority (as shown on the face of the “WARRANT”) was to conduct a search at 240 GLACIER MOUNTAIN LN (a different and separate *location*). (Swn Dec, para 36-39).

68. Plaintiff had a reasonable expectation of privacy in her business storage as did Plaintiff’s children concerning their reasonable expectation of privacy in their triple-locked containers. Plaintiff’s children did not forfeit their expectation of privacy in their closed locked containers because they were stored in a place not controlled exclusively by the container’s owner. See, United States v. Monghur, 588 F.3d 975, 978 (9th Cir. 2009) “Defendant did not waive his expectation of privacy in a closed container that was stored at another’s apartment”; United States v. Davis, 332 F. 3d 1163,1167-1168 (9th Cir. 2003) (an occasional overnight house guest had an expectation of privacy in a gym bag he left under his girlfriend’s bed); United States v. Fultz, 146 F.3d 1102, 1105 (9th Cir. 1998). (reasonable expectation of privacy in cardboard boxes permissively stored in another’s garage).

**PLAINTIFF OVERCOMES DEFENDANT’S MOTION
TO DISMISS PLAINTIFF’S COMPLAINT WHICH PLED
FACTS SUFFICIENT TO STATE A CLAIM
BASED UPON A BIVENS ACTION**

69. When a federal court reviews the sufficiency of a complaint before the reception of any evidence either by affidavit or admissions, its task is necessarily a limited one. The issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claim. Indeed, it may appear on the face of the pleadings that a recovery is very

remote and unlikely but that is not the test. It is well established that, in passing on a motion to dismiss, whether on the ground of lack of jurisdiction over the subject matter or for failure to state a cause of action, the allegations of the complaint should be construed favorably to the pleader.

70. In apprising the sufficiency of the complaint we follow the accepted rule that a complaint should not be dismissed for failure to state a claim “unless it appears beyond doubt that the plaintiff can prove no set of facts to support his/her claim which would entitle him/her to relief.” *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957).

THE COMPLAINT IN PERTINENT PARTS SUFFICIENTLY PLEADS A
CLAIM FOR A VIOLATION OF THE FOURTH
AMENDMENT (UNREASONABLE SEARCH & SEIZURE)

Plaintiff incorporates by reference paragraphs 1 thru 72 herein as if fully stated for all purposes herein:

“BRIEF DESCRIPTION OF NATURE OF CLAIM”

(Cont’d) “Plaintiff seeks monetary damages for violations of Fourth Amendment limitations by federal officer Special Agent FBI Matthew J. Duermeier et., al.,....

On June 3, 2020. “But for Duermeier’s and Tjernagel’s unlawful conduct in an unlawful raid and seizure, Plaintiff would not have been damaged and/or injured.”

The U.S. Supreme Court held in *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971), that violation of the fourth amendment can rise to a federal cause of action for monetary damages for unlawful search and seizure.” [SEE, Amended Complaint].

(Cont’d, Amended Complaint): “ This Court has jurisdiction pursuant...to *Bivens*,” supra.; 28 USC 1491, et seq, KKK Act.

(Cont’d Amended Complaint): ...”Timeline Of Conspiracy....”
....” January 2020---HARRIS was bragging that he (Harris) had made a fake/false claim that there were bomb/bomb materials in Plaintiff’s business property.

HARRIS was overheard making that claim about false bomb threat by a licensed security Officer.”

Amended Complaint: ...”March 2020 through May 22, 2020---HESS, HARRIS and DUERMEIER were at Plaintiff’s business premises (when Plaintiff was not present) in preparation for unlawful breaking and entering search and theft.”

Source: HARRIS-HESS Sworn testimony certified transcripts June 15, 2020, 18th District and January 27, 2021 6th District and April 12, 2021 6th District courts, Montana.

Amended Complaint: “March 2020 through June 2, 2020” --- HESS, HARRIS, and Duermeier were at Plaintiff’s business *premises* (when Plaintiff was not present) in preparation for unlawful breaking and entering, armed robbery, theft by deception, upon and into the wrong location

Amended Complaint:” June 1,2,3, 2020---HARRIS is overheard by Postal employee...HARRIS bragged that he had made a false bomb threat regarding Plaintiff’s business.” **Source:** Employee admissions to Plaintiff.

Source: Employee admissions made to licensed PI, specifically that Duermeier arrived after June 3, 2020 and ensured (intimidated) - no postal employee affidavits for Harris statements to them would be had.

(Con’d, Amended Complaint): ... “June 3, 2020---Defendants’ illegal/unlawful search and theft in violation of the limitations the Fourth Amendment of United States of America Constitution places upon all federal agents to include FBI agents.”

Amended Complaint: ... “On June 3, 2020, Defendants conducted a illegal/unlawful unconstitutional raid search and destroy armed robbery seizure of Plaintiff’s business.”

Amended Complaint: “The conspiracy was meant to falsely create a probable cause” scenario: when in fact the raid was a retaliatory raid to destroy Plaintiff and Plaintiff’s business in violation of limitations placed upon FBI agents by the Fourth Amendment, Second Amendment and Fifth Amendments under the Constitution of the United States of America. Literally, there was a theft of Plaintiff’s property, theft of guns, personal property, theft of tools, photographs, papers, things, and other property. Nothing taken was illegal/unlawful to possess and/or own.”

Verification

I, Terrie Holscher, hereby state that the foregoing statements by me in my Amended Complaint/Claim herein are true and correct under penalty of perjury.

Date: *5/12/2021*

Terrie Holscher, Plaintiff (Pro Se)
280 W. Kagy Blvd., #D-100
Bozeman, Montana 59715
PH: (480) 688-3291

A handwritten signature in cursive script that reads "Terrie Holscher".

Amended Complaint:” Some items that stolen are on the FBI “Theft List,” and many other items stolen are not on the “Theft List.” (felony theft)

Amended Complaint:” There was no valid warrant....”

Amended Complaint:” There was no probable cause to consider the issuance of the warrant to begin with.... Amended Complaint:

PRAYER FOR RELIEF

71. Subject to proof at trial, award Plaintiff monetary damages in the amount of 12.5 million dollars for criminal impersonation theft by deception wrongful and unlawful search and seizure of (theft of)

Plaintiff’s and others property in violation of the Fourth Amendment under the United States of America Constitution), Intentional infliction of emotional distress; and that the Court make a Criminal Referral for the punishment of the defendants’ knowing, willful intent to harm me, my health and well being, my company, my intellectual property (my life’s work) my products, my reputation and standing in society and business – to ensure these defendants “never again” attack any other non-white Asian or female for sport ever again.

72. Plaintiff prays for whatever other relief is appropriate under the facts of this case.

Respectfully Submitted,



Terrie Holscher, Pro Se Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was delivered placed in US mail.
Postage prepaid this 2021 to the following recipient(s)

Attorney General of the United States of America
Merrick B. Garland
United States of America Justice Department
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20503-0001

Notice to Defendants and defendant counsels; “Justice Department’s mission has been to ensure equal justice under law,” A.G. Garland says, that mission, shall from March 11, 2021 live up to and include senior Asian feminine plaintiff Terrie Holscher, as well as fair and impartial administration of justice on behalf of the American people to include Asian American Terrie Holscher.

Sean Ryan Maguire
152 Covey Court Unit “C”
Bozeman, MT 59718
(406) 404-9488
Seanmaguire25@gmail.com

Robert Wayne Harris
280 W. Kagy Blvd #D142
Bozeman, MT 59715
(406) 548-2363
Tunakiller65@gmail.com

US Attorney Victory Francis
US Attorney Randy J Tanner
C/O Civil Process Clerk
US Federal Building
Office of the US Attorney
2601 Second Avenue North, Suite 3200
Billings, MT 59101

Arthur V. Wittich
Montana Law Company
280 W. Kagy Blvd, Ste D324
Bozeman, MT 59715
406-585-5598



Terrie Holscher, Plaintiff Pro Se