

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

KELLI-ANN REILLY,

Plaintiff,

v.

KASHYAP P. PATEL

in his official capacity as
Director of the Federal Bureau of
Investigation

935 Pennsylvania Avenue, NW
Washington, D.C. 20535;

**FEDERAL BUREAU OF
INVESTIGATION**

935 Pennsylvania Avenue, NW
Washington, D.C. 20535;

PAMELA J. BONDI

in her official capacity as
Attorney General of the United
States

950 Pennsylvania Avenue, NW
Washington, D.C. 20530;

**U.S. DEPARTMENT OF
JUSTICE**

950 Pennsylvania Avenue, NW
Washington, D.C. 20530;

Defendants.

CIVIL ACTION NO.

2:25-CV-00950-KCD-NPM

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

**FIRST AMENDED CIVIL COMPLAINT FOR DECLARATORY AND
PERMANENT INJUNCTIVE RELIEF REQUESTED AND DEMAND FOR
A JURY TRIAL**

Plaintiff Kelli-ann Reilly, by and through her attorneys, hereby brings this first amended complaint against defendants, the Federal Bureau of Investigation (FBI), Kashyap Patel, acting in an official capacity as the Director of the FBI, and Pamela Bondi, acting in her official capacity as the Attorney General of the United States, and the United States Department of Justice (DOJ). This first amended complaint is filed by consent of the parties pursuant to Fed. R. Civ. P. 15(a)(2). In support thereof, upon personal knowledge as well as information and belief, plaintiff alleges the following:

NATURE OF THE ACTION

1. The First Amendment to the United States Constitution forbids government officials from dismissing public employees for partisan reasons. Political patronage—where “public employees hold their jobs on the condition that they provide, in some acceptable manner, support for the favored political party”—is unconstitutional because “no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.” *Elrod v. Burns*, 427 U.S. 347, 357-59 (1976). This case arises from the FBI’s security-clearance process, masquerading as neutral, but weaponized to enforce political loyalty in violation of the First Amendment.

2. This civil rights action, brought under the First and Fifth Amendments to the United States Constitution and seeking declaratory and injunctive relief, arises from the FBI's politically motivated and unconstitutional revocation of plaintiff's security clearance and unlawful constructive discharge in retaliation for her expression of protected political beliefs regarding the outcome of the 2020 presidential election.

3. Plaintiff, a career FBI Financial Analyst with over 26 years of exemplary service, was targeted in what may actually be "patient zero" in the FBI Security Division's orchestrated campaign to purge employees who were perceived to have supported President Donald J. Trump and held conservative political viewpoints following the disputed November 2020 election through the pretextual use of security clearance revocations, rendering such employees unable to continue their FBI careers.

4. Defendants, motivated by political retaliation, sought to justify revoking plaintiff's security clearance by using shifting pretextual grounds. Defendants subjected her to an ideological inquisition known internally as the "Trump Questionnaire," revoked plaintiff's security clearance without due process and ultimately forced her into early retirement through constructive discharge—all in violation of the First and Fifth Amendments, and Declaratory Judgement Act.

5. By falsely accusing plaintiff of “psychological conditions” and “delusional beliefs,” recording those stigmatizing assertions in official personnel and security files, and disseminating them to third parties within and outside the FBI, the agency imposed reputational harm in connection with her constructive discharge coupled with the loss of future employment opportunities, satisfying the stigma-plus doctrine and depriving plaintiff of Fifth Amendment due process.

6. Defendants’ actions constitute violations of the Civil Service Reform Act (CSRA) merit-system principles, including the prohibitions on political coercion, political retaliation, and the fabrication of security-clearance concerns for pretextual reasons.

7. This case provides concrete evidence of the systematic political targeting that has since become the subject of congressional hearings and multiple whistleblower complaints, demonstrating that the weaponization of the FBI’s security clearance process to enforce ideological conformity among its employees has deep roots within the FBI.

8. To protect plaintiffs’ constitutional rights, the rights of remaining FBI employees, and the vital interests served by the FBI, plaintiff requests this Court review and grant relief on the grounds that defendants’ actions violated her First Amendment rights to free speech and association, including non-association, and

Fifth Amendment right to due process that were taken without any constitutional authority and are a legal nullity. Plaintiff seeks equitable relief in vindication of her constitutional rights; declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202; and mandamus relief under 28 U.S.C. § 1361.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 because plaintiff's cause of action arises under the Constitution and laws of the United States.

10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) and (e)(1). A substantial part of the events giving rise to this claim occurred in this District, and or actions directed by FBI employees under the authority of defendants were undertaken in Fort Myers, Florida.

11. Although courts generally defer to agency discretion in security clearance matters, constitutional claims—First Amendment retaliation and Fifth Amendment due process violations—remain subject to judicial review. *Webster v. Doe*, 486 U.S. 592 (1988).

PARTIES

12. Plaintiff Kelli-ann Reilly is a United States citizen and former FBI Financial Analyst who held a Top-Secret security clearance for over 26 years without incident prior to the unconstitutional actions challenged herein.

13. Defendant Kashyap Patel is sued in his official capacity as the current Director of the FBI.

14. Defendant FBI is a subordinate component of the Department of Justice (DOJ) pursuant to 28 C.F.R. § 0.1.

15. Defendant Pamela J. Bondi is sued in her official capacity as the current Attorney General of the United States and official in charge of the DOJ.

16. Defendant DOJ is an agency of the United States subject to the jurisdiction of this Court. DOJ controls its components, including the FBI.

Factual Background

I. The FBI's Internal Guidelines and Review Processes Are Designed to Maintain an Exceptional and Apolitical Workforce

17. Since 1908, the FBI has existed within the DOJ to protect the American people pursuant to the United States Constitution and laws. The FBI investigates and prevents criminal violations of federal law including terrorism, espionage, cybercrime, violent crime and public corruption.

18. FBI professional support employees are chosen through a highly selective process. By design, there is no political test for service in the agency. Instead, the FBI is required to hire, train, and promote talented and dedicated individuals without regard to political affiliation.

19. FBI professional support employees swear or affirm an oath of office before beginning their service to “support and defend the Constitution of the United States” and “bear true faith and allegiance to the same,” and to “well and faithfully discharge the duties” of their office.

20. Plaintiff was working as a Financial Analyst in the FBI Fort Myers Office in the Tampa Division since 2002. Plaintiff successfully passed multiple 5-year security clearance reviews throughout her career. Plaintiff held a Top-Secret security clearance for her entire career. She was never the subject of a disciplinary action, internal misconduct investigation, nor did she receive negative performance appraisals during the entirety of her lengthy, dedicated and loyal public service career.

21. At no time during plaintiff’s career were concerns raised about her judgment, behavior, performance, or fitness for duty. Plaintiff never engaged in misconduct, violence, or unauthorized disclosure of classified information.

22. On or about January 11 and 14, 2021, at the end of the workday, plaintiff engaged in private conversations with her supervisor where she expressed her viewpoint—shared by millions of Americans at that time—that the 2020 presidential election involved irregularities and might be overturned through lawful judicial processes. At the time, her perspectives and remarks were shaped by media

coverage of numerous legal actions initiated by then-President Trump, along with other viewpoints disseminated on news platforms that hypothesized potential legal avenues to challenge the outcome of the 2020 election.

23. Her comments consisted of personal opinions about current events, issues and matters in the news at the time. Plaintiff never acted on these views in any inappropriate or professional capacity, never disobeyed orders, never spoke publicly about these views as a representative of the FBI or the DOJ and remained a compliant and effective employee.

24. Plaintiff was never referred to the FBI Inspection Division, Internal Affairs Section for any alleged Hatch Act violation or other related misconduct in connection with her conversation with her former supervisor.

II. Initial Suspension – February 12, 2021

25. On February 12, 2021, the FBI suspended plaintiff's security clearance.

26. The February 12, 2021, suspension notice alleged plaintiff demonstrated "potential vulnerability" to "manipulation and coercion" based on "views she expressed during communications with her supervisor on January 11 and January 14, 2021, concerning a potential reassignment following the events at the U.S. Capitol and the upcoming Presidential Inauguration."

27. The suspension notice alleged plaintiff expressed beliefs in "baseless conspiracy theories" associated with unnamed organizations that "may involve

engaging in acts of violence or criminal activities." Plaintiff was placed on administrative leave without pay pending an internal investigation.

28. Plaintiff categorically denied and continues to deny these allegations. The record is devoid of any support by plaintiff for violence or criminal activity. Plaintiff has never espoused "baseless conspiracy theories" nor did she support "the events at the U.S. Capitol" which, upon information and belief, is a reference to the unlawful activities that occurred at the U.S. Capitol on January 6, 2021.

29. While plaintiff did not understand nor articulate how or if the election would be overturned, numerous media outlets at the time (both mainstream and non-mainstream) maintained lawsuits filed in various courts could overturn the election of President Joseph Biden on legal grounds and then President Trump, not President elect Biden, would ultimately be inaugurated.

III. The "Trump Questionnaire"- Ideological Inquisition

30. Following suspension, the FBI Security Division (SecD) subjected plaintiff to what was internally referred as the "Trump Questionnaire"— a politically charged investigation that probed whether she supported former President Trump, whether she questioned the legitimacy of the 2020 election, whether she supported former President Trump's legal challenges to the 2020 election, or held views the FBI Security Division executives characterized as "conspiracy-related," to include:

the origins of Covid-19 originating in a Chinese lab; efficacy of mask wearing, and efficacy of Covid-19 vaccines.

31. This ideological inquisition was not tied to any misconduct, policy violation, or legitimate national security concern, but was used as an ideological screening tool to probe plaintiff's political beliefs to determine if her beliefs politically aligned with the then party in power.

32. Plaintiff was questioned about her perspectives on subject matters, unrelated to security clearance suitability that the FBI considered to be "conspiratorial," despite the fact that these claims have subsequently been shown to be true. Allowing for the benefit of four years of hindsight, a more comprehensive analysis can be undertaken to understand some of her viewpoints and to establish whether plaintiff's ideas were impractical or even "delusional." Notably, the subject matter of her questioning had nothing to do with maintenance of a security clearance. For example, plaintiff was interrogated on the following subjects:

- "When asked if she agreed with Trump's lawsuit efforts, [plaintiff] said yes, that Trump was due those rights." - (FBI SecD interview of plaintiff)
- Plaintiff was questioned about Jeffrey Epstein and responded, "certain famous people who had traveled to [Jeffery] Epstein's island that were

involved. Although plaintiff was unsure of all the names of those involved, [plaintiff] said one was Prince Andrew from Great Britain.” (p. 184, FBI SecD Investigation file). Compare, *Prince Andrew faces allegations from unsealed U.S. Court documents about Jeffrey Epstein*, January 3, 2024, (<https://www.bbc.com/news/uk-67863330>)

- Plaintiff when questioned about the origins of Covid 19 stated, “Covid-19 was created by the Chinese and North Koreans in a lab in Wuhan, China.” (initial email complaint to FBI SecD in the FBI SecD file) Compare, March 1, 2023, *FBI Director Wray acknowledges Bureau assessment that Covid-19 likely resulted from lab incident in Wuhan, China*. (<https://www.cnn.com/2023/02/28/politics/wray-fbi-covid-origins-lab-china/index.html>) Wray said that “the FBI has for quite some time now assessed that the origins of the pandemic are most likely a potential lab incident in Wuhan.”
- When questioned about the efficacy of mask wearing in response to Covid 19, plaintiff responded “masks are stupid and they don’t work.” (FBI SecD interview of plaintiff) Compare, April 18, 2022, *CDC mask mandate for planes, trains no longer in effect after judge rules it unlawful*. (<https://www.nbcnews.com/news/us-news/florida-court->

overturns-cdc-travel-mask-mandate-unlawful-rcna24853) *The Federal Judge in Florida struck down the CDC's requirement that all travelers wear masks on airplane, buses, trains and other modes for public transportation. The Supreme Court struck down a Biden Administration mandate that large businesses require their employees to be vaccinated or tested once a week for coronavirus. January 20 , 2022* (<https://law.stanford.edu/2022/01/20/a-look-at-the-supreme-court-ruling-on-vaccination-mandates/>)

- o Plaintiff stated, “the media is being censored by the government and CIA and Mark Zuckerberg is a co-conspirator.” (FBI SecD interview of the plaintiff) Compare, August 27, 2024, *Mark Zuckerberg says Meta was “pressured” by Biden Administration to censor Covid-related content in 2021* (<https://www.cnn.com/2024/08/27/business/mark-zuckerberg-meta-biden-censor-covid-2021/index.html>); August 26, 2022; *Zuckerberg tells Joe Rogan FBI warning prompted Biden laptop story censorship* (<https://www.bbc.com/news/world-us-canada-62688532>); *Zuckerberg says the White House pressured Facebook to “censor” Covid-19 content during pandemic, August 27, 2024,*

(<https://www.pbs.org/newshour/politics/zuckerberg-says-the-white-house-pressured-facebook-to-censor-some-covid-19-content-during-the-pandemic>).

33. The documented use of the "Trump Questionnaire" in plaintiff's case directly contradicted FBI Director Christopher Wray's sworn testimony before Congress that ideological or political questions were not used in security clearance adjudications.

34. The FBI's actions constitute clear viewpoint discrimination in violation of the First Amendment, as established in *Elrod v. Burns*, 427 U.S. 347 (1976), *Branti v. Finkel*, 445 U.S. 507 (1980), and *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990).

IV. Formal Security Clearance Revocation-June 23, 2021

35. On June 23, 2021, the FBI formally revoked plaintiff's security clearance under dramatically expanded and altered justifications. Plaintiff filed a timely appeal to the security clearance revocation letter ("the revocation letter"). The revocation letter cited concerns under both Adjudicative Guideline E (Personal Conduct) and Guideline I (Psychological Conditions)—representing a significant shift from the February 2021 suspension notice.

36. The revocation letter accused plaintiff of having espoused "delusional" beliefs and having made "unfounded conspiratorial statements" to coworkers,

allegedly beginning months before the 2020 election. The FBI claimed these views were based on the plaintiff's alleged engagement with "QAnon-influenced social media". Plaintiff categorically denied espousing any unlawful, violent, or conspiratorial beliefs.

37. The revocation letter further stated that when interviewed, she failed to "fully disown or otherwise renounce" her beliefs. In order for her to maintain her job, the FBI insisted that a financial analyst renounce her personal political views, which included a belief that there may have been irregularities in the 2020 election and the right to challenge the election by lawful means in the courts.

38. Plaintiff specifically denied any knowledge of, or association with, "QAnon" and expressly stated while she heard the term, she could not define who they were or what the term "QAnon" meant.

39. Notably, Plaintiff's expressed opinions about election irregularities were no different from concerns expressed by sitting Supreme Court Justices in *Republican Party of Pa. v. DeGraffenreid*, 141 S. Ct. 732, 209 L.Ed.2d 164 (2021), wherein Justice Thomas wrote in dissent that "nonlegislative officials in various States took it upon themselves to set the rules," resulting in changes that "undermine confidence in the electoral system." Justices Alito and Gorsuch joined in these concerns. If the FBI considers such views "delusional," they are effectively labeling

the reasoned constitutional analysis of dissenting Supreme Court Justices as a demonstration of mental illness.

V. False Mental Health Allegations Without Medical Basis

40. In its unconstitutional attack on plaintiff, the FBI departed from standard practice using the Adjudicative Guidelines in cases where an employee is believed to have psychological issues. Despite invoking Adjudicative Guideline I (Psychological Conditions) as a basis for revocation, the FBI failed to consult with any qualified mental health professional—such as a psychiatrist or psychologist—to ascertain whether plaintiff was "delusional" or suffering from any mental health disability. Neither Assistant Section Chief (ASC) Dena Perkins nor then-acting Deputy Assistant Director (DAD) Jeff Veltri, who were responsible for the final decision to revoke plaintiff's clearance, were medically qualified to make such a determination.

41. The Adjudicative Desk Reference (ADR) explicitly states that: "The potential security significance of a psychological condition depends upon how it affects the subject's judgment, reliability or trustworthiness, its severity (intensity and duration of symptoms), whether there has been appropriate treatment or whether the condition is typically responsive to treatment, and the judgment of a qualified mental health consultant about possible recurrence and what else might happen in the future."

42. The ADR further specifies potentially disqualifying conditions under Guideline I, none of which were present in plaintiff's case, to include: history of violent or abusive behavior toward spouse, children, elders, or work associates; compulsive behaviors (gambling, sexual behavior, lying) beyond a person's control; abnormal preoccupation with or irresponsible use of weapons; observed symptoms of a possible emotional or mental problem; taking prescription drugs with side effects of potential security concern; and refusal to take medical/psychiatric tests when directed by competent authority.

43. The ADR unequivocally states: "Whether past behavior is likely to continue, get better, or get worse in the future is a professional judgment that requires the training of a "duly qualified mental health professional." The ADR further directs that, "A duly qualified mental health professional associated with the adjudicative facility and experienced in making personnel security judgments plays an important role in advising the adjudicator about the significance of an individual's behavior, how it relates to security concerns, amenability to treatment or counseling, and the prognosis for future behavior."

44. According to an FBI whistleblower —who has direct knowledge of statements made by ASC Perkins in connection with this case, ASC Perkins expressed pride in orchestrating the revocation of plaintiff's security clearance

characterizing plaintiff as "delusional" and "crazy" without medical evaluation but based solely on plaintiff's personal political views.

45. The record is completely devoid of any evidence suggesting consultation with a physician or referral of plaintiff for a medical examination; there is no mention of medical professionals in the FBI SecD file. Defendants simply fabricated the psychological grounds for revocation without any medical or professional basis, in direct violation of their own procedures. Having a political perspective different from that of Security Division leadership does not make an individual unsuitable for holding a security clearance nor does it make plaintiff "delusional."

VI. Constructive Discharge

46. At the time of plaintiff's suspension without pay on February 12, 2021, the plaintiff was approximately eighteen months shy of qualifying for regular Federal Employee Retirement System (FERS) benefits. On or about September 21, 2021, the FBI offered plaintiff the option to accept early retirement in lieu of indefinite leave without pay, despite the fact that the agency had yet to complete its appeal review or provide any due process under Executive Order 12968.

47. After her June 23, 2021, security clearance revocation and 8 months without pay, a destroyed reputation, and no foreseeable resolution because of bureaucratic stonewalling regarding her security clearance revocation, plaintiff was

forced to accept an early retirement on October 22, 2021. The decision was made under coercion and economic duress—the equivalent of constructive discharge. Plaintiff's early retirement was not voluntary but rather the product of prolonged administrative inaction, reputational harm, and denial of due process.

VII. Denial of Due Process by Denying Discovery

48. Following the June 23, 2021 security clearance revocation, plaintiff filed a timely administrative appeal in accordance with Executive Order 12968. Executive Order 12968 § 5.2(c) expressly provides that upon request, documents underlying a clearance determination "will be provided to the extent they would be provided if requested under the Freedom of Information Act (5 U.S.C. § 552) or the Privacy Act (5 U.S.C. § 552a)."

49. Beginning with her timely appeal, plaintiff made numerous written requests to the FBI Security Division for all documents, records, and reports underlying the revocation decision. Despite the language of Executive Order 12968, the FBI ignored plaintiff's repeated requests for discovery and refused to provide any underlying records for over three years. The agency did not invoke any national security exception or explain its failure to comply with Executive Order 12968's disclosure requirements.

50. The FBI's three-year denial of discovery, followed by last-minute partial production under compulsion, violated both Executive Order 12968, and the Fifth Amendment's Due Process Clause.

51. On March 29, 2023, plaintiff was notified that her request for reconsideration of the security clearance revocation was denied by the FBI's Security Program Manager. Plaintiff filed a timely appeal to the Department of Justice Access Review Committee (ARC). After years of bureaucratic stonewalling, the plaintiff's appeal was accepted and finally scheduled for hearing before the Department of Justice Access Review Committee (ARC) on December 11, 2024.

VIII. Additional Shifting Pretexts

52. On October 24, 2024, the FBI pivoted to yet another new security clearance revocation justification: "financial considerations" based on an alleged unpaid bill from 2011, providing additional shifting pretexts for plaintiff's security clearance revocation. This allegation was never raised during plaintiff's 26-year career or any prior clearance renewals.

53. Moreover, from 2011 to October 24, 2024, plaintiff was never referred to the FBI Inspection Division Internal Affairs Section for an internal misconduct investigation related to the alleged non-payment of the 2011 bill. The "FBI Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process" provide categories of misconduct for which FBI employees may be disciplined. FBI

Offense Code 5.5, entitled “Failure to honor just debts” makes it punishable from oral reprimand up to dismissal for an employee, “without valid justification, failing to satisfy an uncontested, lawful debt or to fulfill a legal or regulatory obligation.”

54. The repeated shifting of justifications—from "susceptibility to coercion" (February 2021), to "delusional beliefs" and "psychological conditions" (June 2021), to "financial considerations" (October 2024)—demonstrates that the clearance action was pretextual, retaliatory, and not based on legitimate national security concerns.

IX. Bad Faith Withdrawal and Permanent Suspension and a new pretextual reason advanced by the FBI

55. On December 6, 2024, mere days before the ARC hearing, the FBI engaged in calculated bad faith: the FBI abruptly withdrew their appeal on December 6, 2024, representing to the ARC that they would rescind the revocation of plaintiff’s security clearance entirely. The ARC dismissed the appeal based on this representation.

56. On December 7, 2024, FBI Office of General Counsel Attorney Sibelle Hansberry sent an email to the plaintiff’s counsel and the ARC stating: "the FBI will be rescinding Ms. Reilly's clearance revocation. You will receive a letter documenting such. Have a great weekend."

57. Having received no letter as promised, plaintiff's counsel followed up with an email on December 27, 2024 inquiring as to the status of the letter rescinding the security clearance revocation. Ms. Hansberry responded the same day: "I will email you the rescission letter once I have it and confirm that Scattered Castles/Phoenix has been updated. I will be out a few days next week but will have an update for you the week of January 6-10. Thank you for your patience."

58. After receiving no confirmation as promised, counsel requested another update on January 15, 2025. Ms. Hansberry responded on January 17, 2025: "The rescission letter is still being processed. As you may imagine, it's a bit of a busy time. I will keep you updated. Have a great weekend!"

59. On March 24, 2025, after months of inaction, counsel emailed Ms. Hansberry: "It's been a couple of months. Is there any update?" Ms. Hansberry responded the same date: "I'll find out where the rescission letter is in the process and get it moving. Thank you for your patience."

60. Six months later, on June 2, 2025, the FBI revealed its deception by notifying the plaintiff: "You retired on October 22, 2021, prior to the FBI's reconsideration decision; therefore, the FBI is rescinding its revocation decision. There is no reason to further consider your eligibility for a security clearance after you retired." While claiming to "withdraw" the formal revocation, the FBI

simultaneously imposed what amounts to a "permanent suspension" with no right to appeal.

61. This maneuver allowed the FBI to avoid independent ARC oversight while achieving the same punitive result under a different label. This pattern of promises, delays, and ultimate betrayal demonstrates that the FBI Office of General Counsel deliberately misled both counsel and the ARC while orchestrating a scheme to avoid independent oversight and deny the plaintiff's Fifth Amendment Due Process rights.

X. Stigma Plus Due Process Violation

62. As late as June 5, 2025, FBI Assistant Director Robert Turner identified new pretextual grounds continuing to harm the reputation of and stigmatize plaintiff by falsely stating in an official letter casting her as a 9-11 denier: *"On June 23, 2021, the FBI revoked your security clearance due to security concerns related to statements you made. Specifically, your failure to disown or renounce conspiratorial beliefs, such as the terrorist attacks of 9/11 did not occur, demonstrated an inability to separate facts from conspiracy theories. This conduct raised concerns about your judgment and makes you vulnerable to exploitation or manipulation. Additionally, you were evasive in your answers to investigators, which raised questions about your judgment, reliability, and trustworthiness."* Turner further wrote: *"In addition,*

the results of SecD's investigation may be made known to other federal government agencies if you apply for employment requiring a security clearance. This includes information relevant to the security concerns underlying the rescinded revocation decision. Pursuant to Security Executive Agent Directive 7 (SEAD 7) (E)(8), the FBI is required to update Scattered Castles to reflect that you retired while under inquiry."

63. The FBI's defamatory statements satisfy all elements of defamation per se as they:

- a. are factually false and unsubstantiated.
- b. were published to third parties within the FBI organization.
- c. clearly identify the Plaintiff;
- d. constitute accusations of mental illness that are presumptively harmful under established defamation per se doctrine.
- e. resulted in the actual loss of her continued employment.

64. Assistant Director Turner's letter containing demonstrably false allegations which plaintiff denied—confirm that the FBI continues to actively stigmatize the plaintiff's reputation and intentionally hamper her future employment prospects in the federal government and intelligence community. The letter insures she remains

not employable in the intelligence community by threatening to disseminate these false allegations to other government agencies.

XI. Broader Pattern of Political Targeting

65. On June 25, 2024 and September 19, 2024, protected whistleblower complaints from employees of the FBI Security Division were publicly released alleging that FBI leadership under then-Acting DAD Veltri and ASC Perkins improperly targeted individuals with conservative viewpoints, using security clearance investigations to probe political beliefs and terminated employees.

COUNT I

Violation of the First Amendment (Retaliation for Political Affiliation)

66. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-65.

67. “[T]he First Amendment forbids government officials to discharge or threaten to discharge public employees solely for not being supporters of the political party in power.” *Rutan v. Republican Party of Ill.*, 497 U.S. 62, 64 (1990) (citing *Elrod v. Burns*, 427 U.S. 347 (1976); *Branti v. Finkel*, 445 U.S. 507 (1980)); see also *O’Hare Truck Serv., Inc. v. City of Northlake*, 518 U.S. 712, 714 (1996) (“Government officials may not discharge public employees for refusing to support a political party or its candidates.”). “*The only exception is if “party affiliation is an*

appropriate requirement for the effective performance of the public office involved.”

Branti, 445 U.S. at 518.

68. A terminated federal employee may obtain reinstatement upon a showing that he or she was terminated on the basis of unlawful political patronage, i.e., because of the belief—even an incorrect belief—“that the employee had supported a particular political candidate” or otherwise “engaged in protected political activity.” This prohibition extends to discharging employees on account of perceived partisan support or affiliation, regardless of whether that perception is correct. *See Heffernan v. City of Paterson*, 578 U.S. 266, 268 (2016). It is sufficient for the employee to show that she was terminated because she was “not affiliated with or sponsored by” the dominant political party or leaders. *See Branti*, 445 U.S. at 517 (quoting *Elrod*, 427 U.S. at 362).

69. Defendants constructively discharged plaintiff and revoked her Top-Secret Security Clearance because defendants perceived plaintiff as affiliated with, and supportive of, President Trump. Defendants’ perception of plaintiff’s partisan affiliation was based on the plaintiff personal belief that there were irregularities in the 2020 election, which would be resolved through legitimate court proceedings. That is a violation of the First Amendment.

70. Partisan affiliation and political support for a political party or particular presidential candidate were never legal or appropriate requirements for the effective performance of plaintiff's role as an FBI Financial Analyst.

71. Defendants' proffered reasons for plaintiffs' revocation of her security clearance —were facially pretextual. Instead, the initiation and timing of the investigation, and security clearance revocation would not have been made but for defendants' perception that plaintiff was politically affiliated with President Trump due to her isolated comments regarding the outcome of the 2020 election.

72. The FBI subjected plaintiff to the "Trump Questionnaire"—as previously set forth in paragraphs 4, and 29 – 33, to ascertain whether her political viewpoints were consistent with the political beliefs of the party in power.

73. By disguising their retaliatory motive as concern about "susceptibility to coercion" and later as false mental health allegations—without evidence, examination, or process—defendants chilled and punished plaintiff's protected political speech and expression.

74. Defendants' unconstitutional actions harmed plaintiff by infringing upon the exercise of her constitutional rights, damaging her reputation, depriving her of her rightful status as an FBI employee in good standing with the agency, eliminating her only source of income and reducing her retirement benefits.

COUNT II

Violation of the Fifth Amendment (Due Process)

75. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-65.

76. The Due Process Clause of the Fifth Amendment to the U.S. Constitution guarantees that “no person shall . . . be deprived of life, liberty, or property, without due process of law.” Defendants unlawfully deprived plaintiff of both property and liberty interests, without due process of law.

77. “[P]roperty interests subject to procedural due process protection are not limited by a few rigid, technical forms.” *Perry v. Sindermann*, 408 U.S. 593, 601 (1972). A government employee has a property interest where the government has “fostered rules and understandings” which entitle the employee ‘to believe that he would lose his job only for” specified reasons. *Ashton v. Civiletti*, 613 F.2d 923, 928 (D.C. Cir. 1979) (finding a protected property interest established by an FBI handbook provision). “To decide whether a government employee does or does not have a property interest in his job, protectable by due process, the court must look to the rules or understandings which define the terms of employment.” *Whalen v. City of Atlanta*, 539 F.Supp. 1202 (N.D. GA 1982) (citing *Ashton v. Civiletti*, 613 F.2d 923 (D.C.Cir.1980)). “In other words, a due process analysis does not come into

play until the court first finds the existence of a legitimate property or liberty interest.” *Whalen, id.* 1205 (citing *Downing v. Williams*, 624 F.2d 612 (5th Cir. 1980)). “However, even one without job security cannot legitimately be dismissed for constitutionally impermissible reasons.” *Whalen, id.* 1205, (citing *Ferguson v. Thomas*,) 430 F.2d 852 (5th Cir. 1970). *See also Painter v. Federal Bureau of Investigation*, 537 F.Supp. 232 (11th Cir. 1982). Plaintiff possessed a protected property interest in her employment derived from the FBI’s historically consistent use of the Adjudicative Guidelines in assessing security-clearance suitability, and not from the application of an unlawful, politically driven litmus test.

78. In particular, plaintiff reasonably understood and expected that the FBI would follow Federal law which sets forth merit-based principles and prohibits personnel practices by which executive agencies must abide, including that personnel “should receive fair and equitable treatment in all aspects of personnel management, without regard to political affiliation . . . and with proper regard for their privacy and constitutional rights.” 5 U.S.C. § 2301; *see id.* § 2302.

79. Plaintiff reasonably understood that the FBI would abide by prohibitions on political coercion, retaliation, and withdrawal of her security-clearance for pretextual reasons.

80. In deviating from the FBI’s well-established policies and procedures— by injecting a political motivation to revoke plaintiff of her security clearance—ipso facto terminating plaintiff’s employment, defendants deprived plaintiff of property without due process of law.

COUNT III

Violation of the Fifth Amendment (Stigma Plus Reputational Harm Due Process Violation)

81. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-65.

82. Defendants’ conduct deprived plaintiff of a liberty interest without due process of law. Government employees possess a “constitutionally protected liberty interest in professional reputation.” *Board of Regents v. Roth*, 408 U.S. 564, 572-74 (1972). Essentially, a plaintiff claiming a deprivation based on defamation by the government must establish the fact of the defamation “plus” the violation of some more tangible interest before the plaintiff is entitled to invoke the procedural protections of the Due Process Clause. *Paul v. Davis*, 424 U.S. 693 at 701–02, 96 S.Ct. at 1161; see also *Siegert v. Gilley*, 500 U.S. 226, 233, 111 S.Ct. 1789, 1794, 114 L.Ed.2d 277 (1991). In order to establish that a deprivation of a public employee's liberty interest has occurred without due process of law, the employee must prove that: (1) a false statement (2) of a stigmatizing nature (3) attending a

governmental employee's discharge (4) was made public (5) by the governmental employer (6) without a meaningful opportunity for employee name clearing. *Buxton v. City of Plant City*, 871 F.2d 1037, 1042–43 (11th Cir.1989); *Cannon v. City of Palm Beach*, 250 F.3d 1299, 1301.

83. Defendant deprived plaintiff of that interest by making multiple false statements that impugned plaintiff's professional reputation and stigmatized her. This includes falsely accusing her of "delusional beliefs" without any medical evidence and "conspiratorial statements" as a pretext to revoke her security clearance in retaliation for her political affiliation.

84. These false and defamatory smears impugned the professional reputation of the plaintiff, suggesting she was anything other than a faithful, loyal American who was suitable to hold a security clearance and not a threat to national security. This stigmatization has caused not only the loss of the plaintiff's present government employment but further harmed her future employment prospects.

85. The June 5, 2025, letter from Assistant Director Turner purported to publish to other federal agencies these defamatory falsehoods if she sought other employment that involved a security clearance. The FBI has permanently stigmatized the plaintiff's record by updating Scattered Castles—the federal

government's security clearance database—to reflect that she "retired while under inquiry," ensuring these false allegations will follow her indefinitely.

86. Under *Webster v. Doe*, 486 U.S. 592 (1988), constitutional claims—such as violations of due process—remain subject to judicial review even where national security matters are involved. In *U.S. Info. Agency v. Krc*, 905 F.2d 389 (D.C. Cir. 1990), a state department employee was denied foreign service assignments because an official decided his “homosexuality would make him extremely vulnerable to hostile intelligence approaches.” 905 F.2d 389, 393 (D.C. Cir. 1990). In holding that the employee’s equal protection claim was reviewable, the D.C. Circuit wrote: [t]he statutorily ordained unreviewability of [U.S. Information Agency’s] security clearance determination...underscore[s] the critical importance of judicial authority to consider the constitutional claims resulting from agency personnel decisions. As this case illustrates, those constitutional claims may well be the only check on agency actions that determine a person’s career fortunes. Courts have an obligation to listen to those claims clearly and to consider them carefully. *Id.* at 400 (citing *Webster*, 486 U.S. at 601).

87. Plaintiff is entitled to, among other remedies, a name-clearing hearing regarding the false statements regarding their actions, the basis for her removal, and

to reinstatement. Plaintiff was denied a hearing to clear her name when the FBI's misleading representations caused the appeal to the ARC to be terminated.

88. This illegal and malicious course of conduct was legally irrational and inflicted grave unfairness on Plaintiff. It was motivated by partisan animus and deliberately flouted the law in ways that trammelled Plaintiff's personal and property rights. In doing so, Defendants violated Plaintiff's constitutional right to due process of law.

COUNT IV

Declaratory Judgment Act (28 U.S.C. §§ 2201 and 2202)

89. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-65.

90. Plaintiff is entitled to declaratory relief on the basis of all claims identified. There is a substantial and ongoing controversy between plaintiff and defendants, and a declaration of rights under the Declaratory Judgment Act is both necessary and appropriate to establish that the defendants do not have authority to remove Plaintiff without affording her all rights and protections set forth by applicable statutes and regulations, the United States Constitution, and the First and Fifth Amendments thereto.

91. Plaintiff is further entitled to declaratory relief to establish that her constructive discharge was a legal nullity.

92. Plaintiff suffered adverse and harmful effects, including, but not limited to, lost or jeopardized present or future financial opportunities.

COUNT V

Writ of Mandamus

93. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-65.

94. In the alternative, plaintiff is entitled to a writ of mandamus commanding defendants to return her to her former FBI employment in her former office and not remove her from federal service without following lawful procedures. Defendants have a legal duty to reinstate plaintiff and afford her the protections prescribed by law and, absent this Court granting relief, there is no other adequate means of redress.

95. The provisions of 28 U.S.C. § 1361 create jurisdiction in cases seeking a writ of mandamus against federal officers, employees, and agencies, and they provide for an independent cause of action in the absence of any other available means. To the extent relief is unavailable under the Constitution, common law equity, or any other law to enjoin unlawful government action, mandamus lies here.

JURY DEMAND

96. Plaintiff demands a jury trial on all triable issues.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court grant the following relief:

- a. Issue a declaratory judgment that Defendants' actions violated Plaintiff's First Amendment rights and order appropriate relief;
- b. Issue a declaratory judgment that Defendants' actions violated Plaintiff's Fifth Amendment due process rights and order appropriate relief, to include, but not limited to, a name-clearing hearing;
- c. An order requiring Defendants to immediately reinstate Plaintiff and enjoin Defendants from taking any further adverse personnel action against her without providing appropriate procedural and substantive due process as required by law and the Fifth Amendment;
- d. Expunge Plaintiff's personnel and security files of all records related to Defendants' unconstitutional security clearance revocation;
- e. An award of backpay and other monetary and administrative relief as appropriate;
- f. An award of the costs of this action and reasonable attorney fees under the Equal Access to Justice Act or any other applicable law; and
- g. Such other relief as the Court may deem just and proper.

Dated: December 17, 2025

Respectfully submitted,

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