

Johnny Partain  
7020 N 16<sup>th</sup> Street  
McAllen, Texas 78504

US Attorney General Merrick Garland  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

May 18, 2023

CRIMINAL COMPLAINT AGAINST TEXAS GOVERNOR GREG ABBOTT AND ATTORNEY GENERAL KEN PAXTON, AS WELL AS NOTICE OF COMINGLING OF PUBLIC AND PRIVATE PROPERTY POTENTIALLY AFFECTING FEDERAL PUBLIC MONIES

My name is Johnny Partain, and I am filing a criminal complaint (18 USC 242, 241) against Texas Governor Greg Abbott and Texas Attorney General Ken Paxton for violating my civil rights. I am also informing your office that I have solutions to cure my injuries and enforce my civil rights that may jeopardize the interests of the United States government, so I am requesting and providing information before proceeding.

Governor Greg Abbott and Attorney General Ken Paxton knowingly violated my rights to receive hundreds of millions of dollars in compensation for property that was taken, damaged, and destroyed by the State of Texas pursuant to Texas Constitution Article 1, Section 17. To be clear, the Texas Judiciary buried its inept and unlawful acts against me, my property, and other people's lives by denying me access to the courts under the pretext of confusion and immunity, which ultimately destroyed my property rights. However, it was the Attorney General, acting under color of law asserting immunity in Hidalgo County District Case No. C-0929-12-F, who absolved the helpless courts of their obligations under the Texas constitution, and as required by mandate of a higher court. Then, Texas Governor Gregg Abbott and Texas Attorney General Ken Paxton took affirmative action, objecting to and blocking the Texas Comptroller Glenn Hagar through its attorney, Murl E. Miller, from paying my application for just compensation as required by the constitution, claiming under color of law that I was required a court order to exercise my right to just compensation under Texas Constitution Article 1, Section 17, from which they had just been illegally granted immunity. Attorney General Paxton could have brought my request for compensation before a jury if he wanted a second opinion on its value rather than claiming immunity from the constitution to evade the required compensation. Governor Gregg Abbott does not require a court order to comply with the constitution or to allow the Texas Comptroller to pay me. See the attached notices.

To put context on this issue, the compensation due to me arises from the racketeering activities of Texas State Bank to interfere through its political connections in the South Texas judiciary with my final judgment for \$451,000 against a well-known fraud. The fraud was a personal friend and neighbor to the president of the bank. The bank then interfered with the operations of my interstate bus company through theft of its assets and racketeering (RICO) to control the company and its profits. Banks have no superior rights under the Texas Constitution. Twenty-three (23) people died as a result of the bank

strong arming me through their law firm to seize control of my company. I was served with over a billion dollars in legal claims, and then I was judicially enjoined and threatened with incarceration to be silent to protect the appearance of propriety by the judiciary in the ensuing multi-district litigation. My company was destroyed and the families who lost lives were compensated almost nothing: They never realized that the courts and the bank were running the seized corporation. When I complained to higher authorities, I was threatened for complaining, my complaints were dismissed, and I was consequently imprisoned for civil contempt for 72 days by the judge I was complaining about, before suing out a habeas corpus in Federal court. The offending judge never had jurisdiction over me. Despite the fact that I had no charges against me and that I had never faced prosecution, I was fined \$94,500 by a second judge for using habeas corpus to evade the first judge's order to jail me. Thereafter, four judges signed orders on each other's courts to protect the offending judge from criminal prosecution. President Obama's administration ordered a criminal investigation of two of the judges through the FBI, but the FBI failed to perform. I know this because I was never interviewed, but my house was searched by FBI and US Marshals.

Later, my property and my temporary congressional campaign headquarters were assaulted by a SWAT team through actions by the Hidalgo County District Attorney and a Justice of the Peace to seize my property while I campaigned for a US congressional seat against public corruption. This resulted in a three day armed standoff, wherefrom police withdrew, but my campaign headquarters, a property I owned, was taken a few days later while I was away. Because I had never been sued, orders to take my property were eventually found to be unlawful by a higher court. A few years later, the same government agents once again illegally seized my property in the exact same way as I ran for Congress again. A Justice of the Peace then threatened me that the District Attorney was looking for a way to prosecute me. A month later I was indicted and fully prosecuted for a felony manufactured by local government. I was eventually exonerated on the grounds that there was no crime. However, after my acquittal, the courts withheld almost \$25,000 from me and refused to restore it as required by law. Before the prosecutions were dropped, I lost my ability (security clearance) to work for my clients, which almost cost me my second company. The courts then instructed the court's clerk to title my property to a dead man using Texas lien laws to describe my title on my property as a lien not assigned by a court recognized in the State of Texas or the United States.

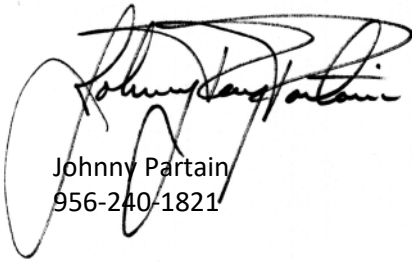
There are a lot more civil right violations, and I have filed numerous competent complaints, but because everyone involved has always been granted unexplained immunity from the law, my complaints have never been subjected to judicial review. Even though my rights have been serially violated, I cannot appeal since the clerks have also been weaponized, altering records and making unlawful demands, to prevent my appeals. According to a district attorney's investigator, I should not expect protection from criminal assaults against me or my property because I am a contentious political issue that will not be brought before a jury. I've made it quite clear that the Texas legal system will never permit me to stand trial, but maybe I can force it to prosecute me?

This brings me to one of the many extrajudicial options I have. According to Texas Constitution, Art. 1, Sec. 17, the government must provide payment before using, taking, or destroying a citizen's property. It is not necessary to file a lawsuit, because according to the constitution, payment is required prior to using, taking, or destroying property. Since Texas is not permitted to become indebted to me instead, my hundreds of millions of dollars are comingled with those of the State of Texas. Art. 1, Sec. 17 of the Constitution is a self-executing constitutional right, and I cannot be legally prosecuted for

receiving my compensation. Any prosecution would lead directly to legal error according to opinions of the Texas Supreme Court for the past 60 years. However, even if I were to be prosecuted, I doubt that the State of Texas or even the Federal government would be willing to have me appear before a jury and have a team of lawyers examine what I have experienced over the past 20 years. I will collect my compensation from Texas. I am nonetheless aware that federal funds, grants, and programs also contribute to Texas's economy. Finding and avoiding any potential federal funds or pledges that Texas may hold is a nearly intractable challenge. As a result, I'm notifying you, the Department of Justice, that I want to refrain from seizing federal property and that I will seek my rightful restitution from the State of Texas.

I'm respectfully requesting that you identify to me all federal property that the State of Texas is holding so that I can avoid taking it, whether or not the Department of Justice decides to pursue the charges I've made against Gov. Gregg Abbott and AG Ken Paxton. Alternately, I'm asking that any federal property that the State of Texas owns or controls be taken away until I receive my pay from Texas. This could include withdrawing FDIC protection for deposits in Texas State Depositories. As a final option, I am requesting that the United States government reimburse me for my just compensation using funds designated for the State of Texas. As of May 18, 2023, this compensation is \$327,143,334, compounded at 10% annually as provided by law. If you are able to organize any relief, if you have any concerns or objections, or if you intend to leave me on my own, please let me know as soon as possible.

Respectfully,



Johnny Partain  
956-240-1821

Cc:

Governor Greg Abbott  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

Attorney General Ken Paxton  
Office of the Attorney General  
PO Box 12548  
Austin, TX 78711-2548



**GLENN HEGAR** TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

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P.O. Box 13528 • Austin, TX 78711-3528

December 7, 2022

Mr. Johnny R. Partain  
7020 North 16<sup>th</sup> Street  
McAllen, Texas 78504

RE: Miscellaneous Claims Application

Dear Mr. Partain,

I greatly appreciated the opportunity to talk with you about the \$250,000,000.00 Miscellaneous Claims Application that you filed with our agency. For the reasons we discussed, your Application must be denied as a matter of law.

Your lawsuit was dismissed because the trial court did not have jurisdiction to hear your causes of action due to sovereign immunity. Sovereign immunity entails two separate forms of immunity for the State of Texas, its agencies, and its officials (collectively, the "State").

- (1) **Immunity from Suit:** Immunity from suit bars a lawsuit against the State unless the State expressly gives its consent to the suit. In other words, although the claim asserted may be one on which the State acknowledges liability, this rule precludes a remedy until the Legislature consents to suit.
- (2) **Immunity from Liability:** Immunity from liability protects the State from judgments even if the Legislature has expressly given consent to the suit. In other words, even if the Legislature authorizes suit against the State the question remains whether the claim is one for which the State acknowledges liability. The State neither admits liability by granting permission to be sued.

Thus, when the trial court made its judgment, it denied your claim as the State is immune from the suit and the liability. The appellate court also did not overturn the immunity judgment. As a result, it is inaccurate to state that the Courts have not determined your real property claim. The judiciary have specifically found that your claims are barred under the doctrine of sovereign immunity.

Even if you disagree and continue to believe that you do have a valid right to payment that is "unopposed," you are still required to obtain an Order from a Texas court with competent jurisdiction over the matter to agree to enforce your right to the payment. Absent a bona fide judicial order from such a Court, our Agency has no statutory authority to pay any claim that you may present concerning this matter.

Respectfully yours,

Murl E. Miller  
Chief Counsel for General Litigation

# Miscellaneous Claim Application

Use this form to file a claim against the state of Texas for the following reasons:

- Warrant that is void due to expiration date.
- Unpaid bill that cannot be paid by receiving state agency due to expiration of appropriation.
- Other claim justified by state contract or state law.

Instructions on second page

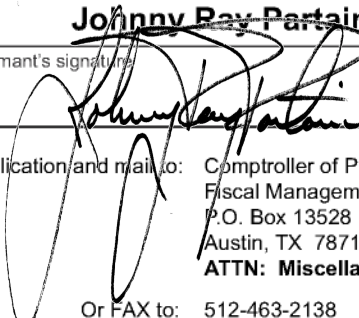
Type of Claim (Please check one)	
<input type="checkbox"/> Void Warrant	<input type="checkbox"/> Unpaid Bill <input checked="" type="checkbox"/> Other <u>Claim under Tex. Const. Art. 1, Sec. 17</u>

Please type or print

Claimant's name (Legal name of individual or business)	
<b>Johnny Ray Partain</b>	
Mailing address (P.O. Box, street, city, state and ZIP + 4 code)	
<b>7020 N 16th Street</b>	
Claimant's Social Security number (SSN)* or Texas taxpayer number or Federal Employer Identification Number (FEIN)	
***_**_****	
Claimant's telephone (Area code and number)	Amount of claim
<b>956-240-1821</b>	<b>\$250,000,000.00</b>
Specific reason for claim (For void warrant(s), list specific identification of goods, services, refund or other items for which the warrant(s) were originally issued.)	
<p><b>This is my sum certain claim for just compensation specifically required by Texas Constitution, Art 1., Sec. 17, for my property taken, damage, or destroyed by state actors, and particularly state judges, protected under claims of immunity to suit by the Texas judiciary: I have not been sued. The Texas Judiciary waived its right to review my claim on excuse of immunity to suit in Texas courts. Attached is the Third Amended Petition describing the original complaint. Governor Abbott and Attorney General Paxton refuse to meet to negotiate. My request for \$250 million compensation through warrant is unopposed. My constitutional claim is due pursuant to Art. 1, Sec. 17, and is superior to any impeding process or statute, being constitutionally derived.</b></p>	
Supporting documentation (Please list)	
1. <u><b>Third Amended Petition</b></u>	3. _____
2. <u><b>Letters to Governor and Attorney Gen.</b></u>	4. _____

\* **Federal Privacy Act Statement:** Disclosure of your Social Security number is required and authorized under law for the purpose of tax administration and identification of any individual affected by applicable law, 42 U.S.C. § 405(c)(2)(C)(i) and Tex. Gov't Code §§ 403.011, 403.015, 403.055, 403.056 and 403.078. The Public Information Act, Tex. Gov't Code Ch. 522, and applicable federal law shall govern release of information on this form in response to a public information request.

## Certification

I certify that the information I have furnished on this form is true and correct. I certify that the amount of this claim is still outstanding and is due and payable.	
Type or print name	Title
<b>Johnny Ray Partain</b>	<b>Citizen of Texas</b>
Claimant's signature 	Date
<b>sign here</b> →	<b>8/26/2022</b>
Complete application and mail to: Comptroller of Public Accounts Fiscal Management Division P.O. Box 13528 Austin, TX 78711-3528 <b>ATTN: Miscellaneous Claims Analyst</b> Or FAX to: 512-463-2138	For questions, call 1-800-531-5441, ext. 5-0966. The local number in Austin is 512-475-0966.



Johnny Partain  
7020 N 16th Street  
McAllen, Texas 78504  
partain@atlastechnologies.biz

Governor Greg Abbott  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

Attorney General Ken Paxton  
Office of the Attorney General  
PO Box 12548  
Austin, TX 78711-2548

December 21, 2021

Re: Johnny Partain – Property Compensation Pursuant To Texas Constitution, Art. 1, Sec. 17 and US Constitution, Amendment 5.

Governor Greg Abbott and Attorney General Ken Paxton;

The State of Texas owes me \$250 million for condemnation and destruction of my property through its efforts to protect official incompetence and public corruption<sup>1</sup> in South Texas. I sent you a certified letter on August 6, 2020, requesting payment since I had been locked out of the courts for over 4 years and couldn't even get a response to a simple motion. I never got a response from your office and your office failed to return my calls for a meeting or a calendar. In fact, I have never been interviewed even after making criminal and judicial complaints against public officials for two decades. Taking notes from your December 18, 2021, press conference<sup>2</sup> regarding the State's right to take 'Unprecedented' action on the border wall "when the Biden Administration has failed to do its job as required by

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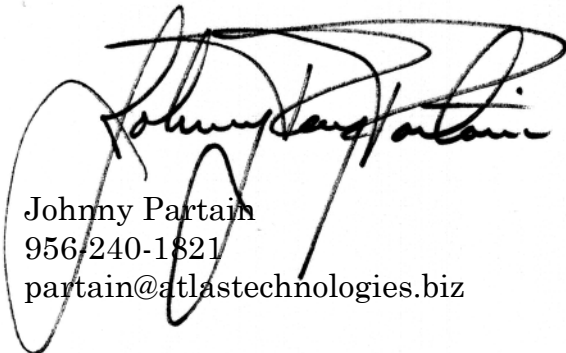
<sup>1</sup> The United State Supreme Court relevantly explains in *Nashville, C. & St. L. R. Co. v. Browning*, 310 U.S. 362, 369, "It would be a narrow conception of jurisprudence to confine the notion of "laws" to what is found written on the statute books, and to disregard the gloss which life has written upon it. Settled state practice cannot supplant constitutional guarantees, but it can establish what is state law...Deeply embedded traditional ways of carrying out state policy, such as those of which petitioner complains, are often tougher and truer law than the dead words of the written text." See also *Poe v. Ullman*, 367 U.S. 497 (1961). I.E. Corruption is the law of South Texas all the way up to the Texas Supreme Court.

<sup>2</sup> <https://www.youtube.com/watch?v=7rQHift5jFw&t=153>

the constitution ... to enforce the law”, I am also taking this unprecedented action to protect my property rights under the Texas Constitution Art. 1 Sec. 17 to collect monies owed to me for property seized and destroyed. Your office and the Texas Supreme Court have facilitated “third-world country” banana republic practices which you campaigned against in 2014. You have both allowed public corruption to flourish and to cause me great injury. If you ignore me, I will be forced to take the \$250 million, plus whatever costs to collect it, to make myself whole - to embarrass everyone involved and to destroy the status quo so I might finally live peacefully in Texas. Recall that it didn’t take much to shut down the whole judicial network for two months when I last contacted you.

The amount is no longer at issue since the judiciary has waived its right to review, claiming it is immune to being sued in it’s own courts. Being attorneys you also realize that this hasn’t been a credible defense in the courts since the 1960’s and the Texas Constitution (Art.1, Sec. 17) requires payment, even if the Texas Supreme Court determines that public incompetence, corruption, and the status quo must be protected at all costs when it embarrasses the courts or impugns the state.<sup>3</sup> Fortunately, Texas Constitutional rights are allegedly self-executing and don’t require judicial review. I presume you and the State will treat me as deplorable wherefrom the law doesn’t apply as usual, and maybe unresponsive since I am only a citizen of Texas. I’ve already endured two decades of poor treatment and political prosecution. Please don’t be inconsiderate.

Respectfully,



Johnny Partain  
956-240-1821  
partain@atlastechnologies.biz

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<sup>3</sup> [T]he Constitution itself is . . . a waiver of governmental immunity for the taking, damaging or destruction of property." *Steele v. City of Houston*, 603 S.W.2d 786, 791 (Tex. 1980).





Johnny Partain  
7020 N 16th Street  
McAllen, Texas 78504  
partain@atlastechnologies.biz

Governor Greg Abbott  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

August 3, 2020

Re: Johnny Partain – Request For Property Compensation Pursuant To Texas Constitution, Art. 1, Sec. 17 and US Constitution, Amendment 5.

Governor Greg Abbott;

I am currently in the Texas Supreme Court, In Re Johnny Partain, case no. 20-0362, regarding an inverse condemnation complaint against public officials and the State of Texas with additional complaints of public officials engaging in and protecting institutionalized incompetence and public corruption – the status quo. I'm certain that you, Governor Abbott, know of what I speak since you raised the issue of public corruption in South Texas by comparing it to “third-world country practices” in your campaign near the Fort Bliss Army base in February of 2014 as you campaigned for governor. Unfortunately, the corruption hasn't changed since your inauguration and the Texas judiciary has, in a most obvious and spectacular way, placed itself in the embarrassing situation of engaging in and then protecting this well documented public corruption in South Texas with sovereign immunity. *See Hidalgo District Court case no. C-0929-12-F*. Case no. C-0929-12-F is a case I petitioned in 2012 to protect my property and my final judgment in Hidalgo County case no. CL-29,530-A from retaliatory seizure and destruction. The litigation didn't work, the rule of law did not prevail, because too many large extrajudicial interests connected to the Hidalgo County courthouse with stake in sustaining local government corruption and protecting the county interfered with the judicial process placing the judiciary into its instant embarrassment. *See In Re Johnny Partain, case no. 20-0362, Petition For Writs of Mandamus*.

You can relax. I am not mixing current judicial process with my request to you for reimbursement of my seized and destroyed property, as required under Texas Constitution, Art. 1, Sec. 17 and US Constitution, Amendment 5. Due process as



explained by the United State Supreme Court<sup>1</sup> is not necessarily judicial: It only requires some kind of meaningful and timely process. You will find that while case no. C-0929-12-F was reinstated by a 14<sup>th</sup> Appeals Court judge assigned by Texas Supreme Court Justice Nathan L. Hecht in 2015 after it was illegally dismissed only “on the authority” of a district judge, that same district judge has since then refused to answer any of my motions or to take me to trial as mandated by the 14<sup>th</sup> Appeals Court justice. Many judges I’ve encountered over the past 22 years routinely demonstrate contempt for their own judiciary and the rule of law. I am denied justice under any common judicial practice and there is nothing you could add or subtract from the process. Even the Texas Supreme Court appears to abuse its own discretion<sup>2</sup> by refusing to enforce the appeal court’s mandate or the constitution when it obviously has the authority to do so, apparently to protect the appearance of propriety in the system. The courts, not the issue, were closed to me exactly four years ago without any adjudication except to bless nearly all parties with immunity for invading, seizing, and destroying my property.

Regardless of what little scant processes are available that can be used to enforce a person’s civil rights under the constitution, the required lawful reimbursement for my property losses by the state always leads to your office to negotiate an order for repayment from the Secretary of State. I think that after 22 years of litigating the same issues over and over without resolution or enforcement in the judiciary only to be finally excluded from all court processes, that its reasonable for any man or the public to conclude the Texas Judiciary is an impotency relying on its court concocted immunity to escape public accountability while at the same time collecting paychecks and consuming public resources. The judiciary is failed and is probably irrelevant anyways to those who know its workings. Bringing me to a bigger point.

The courts go further to bless nearly all other public offices with immunity from accountability - and the status quo embraces it. I’m not certain how the Executive or Legislative branches will respond to my efforts in this upcoming 87<sup>th</sup> Legislature to pierce this immunity to accountability, but it appears the political environment is ripe to raise the issue. There is a poignant point to be made by recent protests and

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<sup>1</sup> Mathews v. Eldridge, 424 U.S. 319 (1976) - This Court consistently has held that some form of hearing is required before an individual is finally deprived of a property interest. Wolff v. McDonnell, 418 U. S. 539, 418 U. S. 557-558 (1974). See, e.g., Phillips v. Commissioner, 283 U. S. 589, 283 U. S. 596-597 (1931). See also Dent v. West Virginia, 129 U. S. 114, 129 U. S. 124-125 (1889). The "right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society." Joint Anti-Fascist Comm. v. McGrath, 341 U. S. 123, 341 U. S. 168 (1951) (Frankfurter, J., concurring). The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." Armstrong v. Manzo, 380 U. S. 545, 380 U. S. 552 (1965). See Grannis v. Ordean, 234 U. S. 385, 234 U. S. 394 (1914). Nelson v. Colorado, 137 S. Ct. 1249, 197 L. Ed. 2d 611 (2017) To comport with due process, a State may not impose anything more than minimal procedures on the refund of exactions.

<sup>2</sup> A judge abuses his discretion if he acts in an arbitrary or unreasonable manner or if he acts without reference to any guiding rules or principles. Downer v. Aquamarine Operators, Inc., 701 S.W.2d 238, 241-42 (Tex. 1985).

riots that injustice is rooted in institutionalized bias and corruption, that there is a serious problem with our government, and that there is no rule of law. Public corruption, immunities, and injustice are the root of anger<sup>3</sup>, inciting Black Lives Matter, Antifa, and even the Democratic Party to protest and to riot. Its not even a new issue being that the piercing of government immunity was an issue that was voted through the Sixty-first Legislature in 1969 under House Bill 117 (vetoed by the governor). That was over 50 years ago when protests and race riots were just about as they are now. 50 years ago and so little progress has been made regarding the accountability of our government to corruption and injustice.

Article 1 of the Texas Constitution is our bill of rights which describes a compact defining the relationship of our Texas republic and our citizens. It includes the rights to be secured in our persons, houses, papers and possessions and to enjoy life, liberty, property, privileges, and certain immunities. Our Bill of Rights is declared in the constitution to be inviolate and excepted to modification to “guard against transgressions of the high powers herein delegated ... [wherein] all laws contrary thereto ... shall be void.” But the fact is that our bill of rights is already violated, that my rights have been serially violated, and that our civil rights are mostly unactionable, unenforceable, and not self-executing, pursuant to public corruption protected by the courts implementation of its own “common law” which modify the effect of our constitutional compact - to protect the State of Texas from its own citizens. These immunities displace the “rule of law” and cultivate injustices by undermining official accountability and by protecting public corruption and malfeasance under the veil of state propriety.

You see, I am in the middle of a political crisis because I cannot prosecute or punish state corruption. I cannot force the Judiciary to perform or to dispense justice, especially when it will discredit itself. I can only request reimbursement for my significant losses as required by the Texas Constitution which will always end up in your office under current Texas law for consideration of payment. Your consideration is certainly political - even if the judiciary had timely performed its job, had my due process been respected.

My property losses include, my hard won civil judgment (\$2,720,126) in Hidalgo County Court No. 1 case no. CL-29,530-A which was finally destroyed through dismissal for want of prosecution (16 years after the judgment became final and 3 executions had been attempted); my real property (\$116,000) which was invaded and first seized after an assault by a SWAT team as directed by the Hidalgo County District Attorney to interfere with my US Congressional campaign against public corruption; about eight years of rents (\$96,000) after the seizure of my house; my transportation business and assets (\$19 million) which were never return per court order (the court’s refused to enforce their decrees and instead threatened me with contempt and incarceration for insisting that the courts enforce their decrees); my established and prospective business interests in one of my electrical service companies (\$55 million) which was partially destroyed after a failed attempt to “felonize” me following a threat by a Justice of the Peace that the

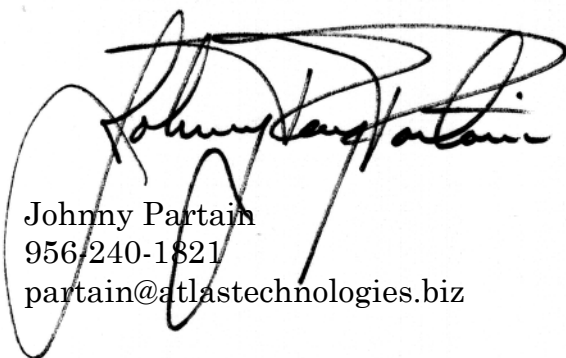
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<sup>3</sup> Racial injustice is a subset of the bigger problem.

District Attorney looking for a way to prosecute me (my company[ies] requires security clearance); and treble damages for the aforementioned losses that I am denied because the courts are closed to me.<sup>4</sup> I can currently prove to a jury or the public that my property losses are approximately \$236,796,378 and rising, and I've won a plethora of court opinions and orders supporting my claims - a stinging and constitutional rebuke against established south Texas corruption that you have already identified, and that has now landed in your office. Its an opportunity for you to address corruption in South Texas and right some wrongs. Should the corruption continue to be protected at the highest office in Texas? Should I be denied my constitutional rights to my property or its value? What will you do?

I am requesting a timely scheduled meeting with you to negotiate reasonable compensation for my property losses so that I might finally resume my life, liberty, property, privileges, and immunities with my family as promised under our Texas Constitution. I would also like to bend your ear regarding accountability in our Texas government by considering new legislation in the 87<sup>th</sup> Legislature to modify common law government immunities imposed by the courts which are intrinsically unjust. Thank you in advance for your time and efforts.

Respectfully,



Johnny Partain  
956-240-1821  
partain@atlastechnologies.biz



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<sup>4</sup> "All courts shall be open, and every person for injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law." Tex. Const. art. I, §13