

**IN THE UNITED STATES DISTRICT COURT OF THE  
NORTHERN DISTRICT OF ALABAMA**

**SEBASTIAN GREEN, SHANNON  
DUNCAN, KATHRYN SPEARS, )  
KYLE SPEARS, JERRY PARKER, )**

**PLAINTIFFS, )**

**v. )**

**CASE NO.:**

**RAFAEL EDWARD (TED)  
CRUZ, )**

**DEFENDANT. )**

**COMPLAINT FOR DECLARATORY JUDGMENT**

COME NOW the Plaintiffs, SEBASTIAN GREEN, SHANNON DUNCAN, KATHRYNE SPEARS, KYLE SPEARS, and JERRY PARKER, through their attorney of record, Thomas E. Drake, II, hereby bring their Complaint for Declaratory Judgment against Rafael Edward Cruz, and allege the following:

1. This is a declaratory judgment action seeking judgement of the Court declaring that Rafael Edward Cruz is ineligible to qualify/run/seek and be elected to the Office of President of the United States of America.

**PARTIES**

2. Plaintiffs are bona fide resident citizens of Alabama. In addition, Plaintiffs are registered voters/electors within the Northern District of Alabama.
3. On information and belief Defendant, Rafael Edward (“Ted”) Cruz was born on December 22, 1970 in the City of Calgary, Province of Alberta, Country of Canada.

**JURISDICTION AND VENUE**

4. This Complaint arises under the Declaratory Judgement Act, 28 U.S.C. section 2201.
5. This Court has original jurisdiction over the subject matter of this claim pursuant to 28 U.S.C. 1331.
6. This Court has personal jurisdiction over Rafael Edward Cruz because he

is a candidate for federal office in the State of Alabama and is currently balloted as a candidate for the Office of President of the United States of America in Alabama.

7. Venue is proper in this District pursuant to 28 U.S.C. 1391.

### **ALLEGATIONS**

8. The fifth clause of Article 2, Section 1 of the United States Constitution of America (U.S.C.A.) states:

**“NO PERSON EXCEPT A NATURAL BORN CITIZEN, OR A CITIZEN OF THE UNITED STATES, AT THE TIME OF THE ADOPTION OF THIS CONSTITUTION, SHALL BE ELIGIBLE TO THE OFFICE OF PRESIDENT; NEITHER SHALL ANY PERSON BE ELIGIBLE TO THAT OFFICE WHO SHALL NOT HAVE ATTAINED THE AGE OF THIRTY-FIVE YEARS, AND BEEN FOURTEEN YEARS A RESIDENT WITHIN THE UNITED STATES.”**

9. Defendant, Rafael Edward (Ted) Cruz is not a “natural born” citizen of the United States of America.
10. Plaintiffs allege that since Rafael Edward (Ted) Cruz is a natural born citizen of Canada, he is ineligible and should be disqualified from seeking the Office of President of the United States of America.
11. Plaintiffs allege that Mr. Cruz cannot be a natural born citizen of two (2) countries. This would violate elementary rules of logic.. Since the Defendant, at the moment of birth, was located in Calgary, Alberta, Canada; he became a citizen of Canada by virtue of it.
12. Plaintiffs allege that at the time of Mr. Cruz’s birth, the United States could not confer citizenship upon him under any law or legal theory that exists. “Natural born” means native born within the United States or its dominions/territories. Canada is not a territory of the United States.
13. Whether the Defendant’s mother was/is a United State’s citizen is irrelevant. If however, she had been an Ambassador to a foreign country; or, stationed in another country while serving in the military, such would not bar Mr. Cruz’s candidacy.
14. Plaintiffs agree and concede that Mr. Cruz is a valid citizen of the United States; however, adamantly argue and allege that he is not a natural born citizen of the United States. More specifically, that his citizenship was conferred by other means.

15. That, not every citizen is entitled to run for the Office of President; only “natural born” citizens.

WHEREFORE, Plaintiff respectfully request that the Court enter judgement as follows:

- (A) To declare that Rafael Edward (Ted) Cruz is ineligible and disqualified to run/seek the Office of President of the United States of America; and,
- (B) Award Plaintiffs their costs, expenses and reasonable attorney fees pursuant to the Court’s equitable and discretionary powers.

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**/s/ Thomas E. Drake, II**

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