

Case: Document Filed 5/12/2015 Page # 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**FILED**  
MAY 12 2015  
U.S. DISTRICT COURT-WVND  
MARTINSBURG, WV 25401

<b>KENNETH SMITH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Complaint</b> 3:15cv 57
<b>JEFFERSON COUNTY BOARD OF</b>	)	
<b>EDUCATION, State Superintendent</b>	)	
<b>MICHAEL MARTIRANO,</b>	)	
<b>FRANCIS COLLINS, Director,</b>	)	
<b>NATIONAL INSTITUTE of HEALTH</b>	)	
<b>ARNE DUNCAN, Secretary of Education,</b>	)	
<b>U.S. DEPARTMENT of EDUCATION,</b>	)	<b>(Trial by Jury Requested)</b>
<b>Defendant,</b>	)	
<hr/>	)	<b>(Fed. R. Civ. P. 56)</b>

**A. JURISDICTION**

1. This civil rights action raises federal question under the First and Fourteenth Amendments to the United States Constitution, is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for Religious Freedom Act of 1993, Pub. L. No. 103-141, 107 Stat. 1488 (November 16, 1993, codified at 42 U.S.C. §2000bb through 42 U.S.C. § 2000bb-4 Religious discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. § 2000e(5). Equitable and other relief are also sought under 42 U.S.C. § 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. 1331, 1343 and 42 U.S.C. §§ 1981 et seq.

2. The Court has authority to award the requested damages pursuant to 28 U.S.C. § 1343; the requested declaratory relief pursuant to 28 U.S.C. § 2201-02; and costs and attorney fees 42 U.S.C. §§ 1988 and 2000e-5(k), determined by the evidence presented.

Case: Document Filed 5/12/2015 Page # 2

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the defendants reside in this district and/ or all of the acts described in this Complaint occurred in this district.

### **Statement**

4. Come now Plaintiff Kenneth Smith, Pro se, and tax-paying citizen, supporting public schools. His complaint is against all Defendants', who've fostered the propagation of religious faith in our West Virginia public school machinery and government at large.

5. Their actions during the 2014-2015 school year affects my child's future directly through the state grading system to enter college and ability to earn economic security and a good job in her chosen veterinarian medical field of work, by being taught a faith base (evolutionary ideology) that just doesn't exist and has no math to back it.

6. Violators of the United States Constitution are the Jefferson County School Board, State superintendent Michael J. Martirano, U.S. Department of Education, Arne Duncan Secretary, National Institute of Health, Dr. Francis Collins Director, all Defendant's acts foster the propagating of a religious faith in our West Virginia public school machinery districts and government at large in this jurisdiction.

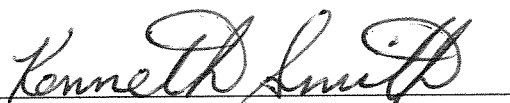
7. Through proper legal correspondence as described by law the Defendants have wrongfully violated established clauses. They refused to cease their violations, clearly described in Plaintiff's exhausted administrative remedies [Exhibits 29, 34, 25, 23, 36, and 94]. While denying the Plaintiff's accurate scientific mathematical system of genetic variations that proves evolution is a religion. It will benefit our government economically and efficiently increase our judicial and law enforcement departments in many ways.

Case: Document Filed 5/12/2015 Page # 3

CONCLUSION

Wherefore, the foregoing reasons bring Complainant, an accurate genetic independent investigator to seek equitable justice, by humbly moving the Court to declare the policy of evolution, as to be violating of United States Constitutional Amendments.

Respectfully Submitted,



Kenneth Smith, Pro se  
486 Elk Run Estates Drive  
Harpers Ferry, WV 25425  
(304) 268-1781

Date 5/12/2015

**CERTIFICATE OF SERVICE**


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<b>KENNETH SMITH,</b>	)
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<b>JEFFERSON COUNTY BOARD OF</b>	)
<b>EDUCATION, State Superintendent</b>	)
<b>MICHAEL MARTIRANO,</b>	)
<b>FRANCIS COLLINS, Director,</b>	)
<b>NATIONAL INSTITUTE of HEALTH</b>	)
<b>ARNE DUNCAN, Secretary of Education,</b>	)
<b>U.S. DEPARTMENT of EDUCATION,</b>	)
<b>Defendant,</b>	)
_____	)

Plaintiff has served a true copy upon the Defendant on 5/12/2015 for a **Complaint** on willful violations of civil misconduct in matters of public concern.

Jefferson County Board Of Education  
110 Mordington Avenue  
Charles Town, West Virginia 25414

Kenneth Smith  
486 Elk Run Estates Drive  
Harpers Ferry, WV 25425-4087  
1(304) 268-1781

  
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Kenneth Smith Pro se