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AO-440 Summons in a Civil Action

United States District Court
Northern District of Texas

DEC 12 2025 AM 11:45
FILED-USDC-NDTX-FW

Plaintiff: Freddie America, aka Freddie L. Lopez

Defendants: The Governor of Texas, et al.

4-25CV1407-0

Summons To:

Chief Appraiser, Collin Central Appraisal District
250 W. Eldorado Parkway
McKinney, TX 75069

Board Members, Collin County Appraisal Review Board
c/o CCAD
250 W. Eldorado Parkway
McKinney, TX 75069

Office of the Governor
1100 Congress Ave
Austin, TX 78701

Texas Comptroller of Public Accounts
111 E. 17th Street
Austin, TX 78774

Texas Commissioner of Education
1701 N. Congress Avenue
Austin, TX 78701

You are hereby summoned and required to serve on:
Freddie America
12289 County Road 800
Nevada, TX 75173
Email: freddie1@freddieamerica.com
within 21 days.

COPY

IN THE UNITED STATES DISTRICT COURT

**FOR THE NORTHERN DISTRICT OF TEXAS
SHERMAN DIVISION****

DEC 12 2025 AM 11:45
FILED-USDC-NDTX-FM
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FREDDIE AMERICA a/k/a FREDDIE L. LOPEZ,
Plaintiff,

v.

**THE GOVERNOR OF TEXAS;
THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS;
THE COMMISSIONER OF EDUCATION;
THE CHIEF APPRAISER OF COLLIN COUNTY;
THE BOARD MEMBERS OF THE COLLIN COUNTY
APPRAISAL REVIEW BOARD,**
Defendants.

Civil Action No. **4-25 CV1407-0**

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION —

THE COLLAPSE OF CONSTITUTIONAL ORDER**

1.

This case arises from a failure so profound that it has shaken the very architecture of Texas's constitutional design. For decades, the State of Texas has consciously abandoned Article VII, § 1 — a mandate described by the Texas Supreme Court as "*not aspirational, but compulsory*," the bedrock of the public school system.

2.

Because the State refused to fulfill this sacred duty, it constructed — piece by piece — a taxation structure that no constitution ever authorized. A structure where a **statewide obligation is funded not by the State that owes it, but by the homeowners who were never meant to bear it**. This is not merely unfair. It is **unlawful**.

3.

The resulting property-tax regime is a **system born of constitutional betrayal** — unequal in burden, irrational in design, and coercive in enforcement. It violates the Fourteenth Amendment because it rests not on law, but on the Legislature's refusal to obey its own Constitution.

4.

Every Defendant in this case enforces, certifies, administers, or adjudicates this unconstitutional machine. They do so daily. They do so knowingly. And they do so **without lawful authority**, because ultra vires action begins the moment constitutional structure ends.

5.

Plaintiff seeks relief not out of rebellion, but out of reverence — reverence for the truth, reverence for the Constitution, and reverence for the rule of law. This Complaint asks the Court to restore the balance designed by the framers — to lift the weight unjustly placed on millions of Texans — and to return the State to lawful order.

II. JURISDICTION AND VENUE

6.

This Court has jurisdiction under **28 U.S.C. § 1331** because the claims arise under the United States Constitution, including the Equal Protection and Due Process Clauses of the Fourteenth Amendment.

7.

This action seeks prospective relief against state officials enforcing an unconstitutional system, and is therefore proper under **Ex parte Young**, 209 U.S. 123 (1908).

8.

Venue is proper under **28 U.S.C. § 1391(b)** because Plaintiff resides in Collin County, the property at issue is located in this District, and the injuries were inflicted here.

III. PARTIES

A. Plaintiff

9.

Plaintiff **Freddie America a/k/a Freddie L. Lopez** is a homeowner and taxpayer in Collin County, Texas. He lives under the shadow of an unconstitutional tax system that threatens his home with lien and foreclosure.

B. Defendants (Official Capacity Only)

10. **Governor of Texas** — signs and executes budgets that knowingly depend on unconstitutional property taxation.

11. **Texas Comptroller** — certifies budgets and administers fiscal processes built on Article VII abandonment.

12. **Commissioner of Education** — administers formulas that presuppose unlawful reliance on local taxation.

13. **Chief Appraiser of Collin County** — imposes valuations within a distorted system never authorized by the Constitution.

14. **Board Members of the Collin County ARB** — adjudicate disputes under rules that cannot address the structural defect at the root of the tax system.

IV. FACTUAL BACKGROUND

THE STRUCTURAL FAILURE OF TEXAS'S CONSTITUTION**

A. Article VII Imposes a Mandatory Constitutional Duty

15.

The framers of Texas's Constitution placed education squarely on the shoulders of the State — not local

E. The Violation Is Active and Ongoing

19.

Each Defendant plays a part in enforcing a tax system that violates the Fourteenth Amendment and exceeds constitutional authority.

V. CLAIMS FOR RELIEF

COUNT I — Equal Protection Violation

20.

The system imposes discriminatory tax burdens based solely on geography and wealth, despite all taxpayers funding the same statewide obligation. This irrational classification violates the Equal Protection Clause.

COUNT II — Substantive Due Process Violation

21.

A tax that exists only because the State abandoned its own constitutional duty is arbitrary, oppressive, and conscience-shocking. It violates substantive due process.

COUNT III — Procedural Due Process Violation

homeowners. Article VII, § 1 requires the State to **establish, support, and maintain** the public school system.

B. The Legislature Abandoned Its Duty

16.

Instead of honoring this mandate, the Legislature underfunded education for decades, shifting the constitutional burden onto property owners.

C. Article VIII Property Taxes Were Never Designed for Statewide Obligations

17.

Property taxes were always intended to fund local governance. The framers never authorized the State to convert local taxation into a substitute for constitutional noncompliance.

D. The Resulting System Violates Federal Law

18.

The current statewide property-tax regime is:

- **Unequal** — burdens vary wildly by district wealth.
- **Irrational** — burdens do not correlate to any legitimate governmental purpose.
- **Coercive** — enforced through threats of lien and foreclosure.
- **Unremediable** — no state forum has authority to correct the structural collapse.

22.

ARB panels cannot hear constitutional challenges. No process exists for Plaintiff to challenge the structural illegitimacy of the tax. This violates procedural due process.

COUNT IV — Ultra Vires Enforcement

(Ex parte Young / Heinrich)

23.

Defendants enforce a property-tax system that rests on an unconstitutional foundation. Such enforcement exceeds lawful authority and is subject to injunctive relief.

VI. PRAYER FOR RELIEF

Plaintiff respectfully requests:

1. Declaratory judgment that the statewide structure violates the Fourteenth Amendment;
2. A Temporary Restraining Order preventing liens, penalties, collections, and foreclosure;
3. A Preliminary and Permanent Injunction restoring constitutional compliance;
4. Structural remedies supervised by the Court;
5. Costs and attorneys' fees under 42 U.S.C. § 1988;
6. All further relief to which justice entitles him.

VII. CONCLUSION —

THE TRUTH MUST STAND WHERE THE STATE HAS FALLEN**

Texas inverted its Constitution.
It placed its burden on the people.
It built a system on constitutional failure.
And now it turns that system against homeowners under
threat of foreclosure.

This Court is the final guardian of truth and law.
Plaintiff asks the Court to restore what the Constitution
commands,
**with the same force, clarity, and righteousness with which
it was written.**

A handwritten signature in black ink, appearing to be 'Freddie America' or 'Freddie L. Lopez', written in a cursive, stylized script.

Respectfully submitted,
Freddie America a/k/a Freddie L. Lopez
Pro Se Plaintiff

JS-44 Civil Cover Sheet Information

Plaintiff:

Freddie America, aka Freddie L. Lopez

Defendants:

The Governor of Texas;

Texas Comptroller of Public Accounts;

Commissioner of Education;

Chief Appraiser of Collin County;

Board Members of the Collin County Appraisal Review Board

Basis of Jurisdiction: 3 - Federal Question (28 U.S.C. § 1331)

Nature of Suit: 950 - Constitutionality of State Statutes; 440 - Civil Rights: Other

Cause of Action:

28 U.S.C. § 1331; Structural constitutional challenge to Texas's school-funding/property-tax system.

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IN THE UNITED STATES DISTRICT COURT

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SHERMAN DIVISION****

FREDDIE AMERICA a/k/a FREDDIE L. LOPEZ,
Plaintiff,

v.

**THE GOVERNOR OF TEXAS;
THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS;
THE COMMISSIONER OF EDUCATION;
THE CHIEF APPRAISER OF COLLIN COUNTY;
THE BOARD MEMBERS OF THE COLLIN COUNTY ARB,**
Defendants.

Civil Action No. 4-25CV1407-0

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER**

AND REQUEST FOR EXPEDITED HEARING**

I. INTRODUCTION

Plaintiff requests this Court's immediate protection from a taxation structure born not of law, but of constitutional abandonment. For decades, Texas has refused to honor Article VII, § 1 of its own Constitution — a command the Texas Supreme Court has called "mandatory and without discretion." In its place, the State constructed a property-tax regime that exists **solely to fill the void left by its constitutional failure.**

This Court does not confront a mere dispute over valuation or rate.

It confronts **a system whose foundation has collapsed**, a structure that violates:

- **Equal Protection**
- **Substantive Due Process**
- **Procedural Due Process**
- **Ultra Vires limitations on state power**

Plaintiff now faces the immediate threat of lien, penalties, and foreclosure — the government's crushing fist used to enforce a tax whose very purpose is constitutionally illegitimate.

This is the moment the Framers wrote Rule 65 for.
This is the moment the Court must be the shield.

II. LEGAL STANDARD

A TRO is warranted when Plaintiff demonstrates:

1. A substantial likelihood of success on the merits;
2. Immediate and irreparable harm without relief;
3. The balance of equities favors the plaintiff;
4. The injunction serves the public interest.

Janvey v. Alguire, 647 F.3d 585, 595 (5th Cir. 2011).

Plaintiff satisfies — and exceeds — every element.

III. ARGUMENT

A. PLAINTIFF IS SUBSTANTIALLY LIKELY TO SUCCEED ON THE MERITS

1. The State abandoned Article VII — the constitutional foundation for school funding

Article VII imposes a **mandatory** duty upon the Legislature to support and maintain public schools. The State chose not to. It knowingly underfunded the system and shifted the burden onto local property owners — a burden the Constitution never permitted.

A tax that exists solely because the State refused to obey its own Constitution is **arbitrary, irrational, and void**.

2. The resulting property-tax regime violates Equal Protection

Texas now imposes wildly different tax burdens on homeowners funding the *same* statewide obligation — based entirely on district wealth, not law or logic.

This is unconstitutional wealth discrimination under *Nordlinger* and *Allegheny Pittsburgh*.

3. Substantive Due Process is violated because the tax is coercive and conscience-shocking

- The tax exists because the State refused its duty.
- It is enforced through lien and foreclosure threats.
- It has no legitimate governmental justification.

This is the essence of conscience-shocking government conduct condemned in *County of Sacramento v. Lewis*.

4. Procedural Due Process is violated because no state forum can hear the structural challenge

ARB panels cannot:

- hear state constitutional claims,
- address Article VII's collapse,
- or provide meaningful redress.

There is **no remedy at law**. The violation is the process itself.

5. Defendants are acting ultra vires

Under *Ex parte Young* and *Heinrich*, state officials lose immunity when enforcing unconstitutional systems.

Here, every Defendant enforces a tax that rests on a **constitutionally dead foundation**.

Ultra vires action is present, active, and fully enjoinable.

B. PLAINTIFF FACES IMMEDIATE AND IRREPARABLE HARM

- The loss of constitutional rights is irreparable. *Elrod v. Burns*.
- Foreclosure is irreparable. *Hodge v. Hodge*.
- No refund action can undo coerced collection or the loss of a home.

Every day the unconstitutional tax stands, Plaintiff suffers new injury.

C. THE BALANCE OF EQUITIES FAVORS PLAINTIFF

If denied, Plaintiff faces:

- Financial ruin
- Loss of his home
- Ongoing constitutional injury

If granted, Defendants experience:

- Temporary administrative delay

The equities overwhelmingly favor Plaintiff.

This is not balance — it is gravity.

D. THE PUBLIC INTEREST SUPPORTS AN INJUNCTION

The public has a fundamental interest in:

- Government obeying its Constitution
- Taxes levied only for lawful purposes
- Protection of homeowners from unlawful seizure
- Restoration of the constitutional structure Texas abandoned

“It is always in the public interest to prevent constitutional violations.”

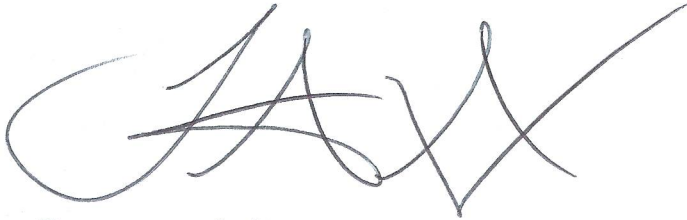
Nken v. Holder, 556 U.S. 418 (2009).

IV. REQUEST FOR RELIEF

Plaintiff respectfully requests:

1. A **Temporary Restraining Order** halting lien, penalty, interest, and foreclosure actions;
2. A freeze on enforcement of the unconstitutional tax as applied to Plaintiff;

3. An **expedited hearing** on the Preliminary Injunction;
4. All other relief the Court deems just and proper.

A handwritten signature in dark ink, appearing to be 'Freddie America', written in a cursive, stylized script.

Respectfully submitted,
Freddie America a/k/a Freddie L. Lopez
Pro Se Plaintiff

IN THE UNITED STATES DISTRICT COURT

**FOR THE NORTHERN DISTRICT OF TEXAS
SHERMAN DIVISION****

FREDDIE AMERICA a/k/a FREDDIE L. LOPEZ,
Plaintiff,

v.

THE GOVERNOR OF TEXAS, et al.,
Defendants.

Civil Action No. _____

[PROPOSED] TEMPORARY RESTRAINING ORDER

Having considered Plaintiff's Motion for Temporary Restraining Order, the supporting Memorandum of Law, and the Affidavit of Plaintiff, the Court finds:

1. Plaintiff has demonstrated a substantial likelihood of success on the merits;
2. Plaintiff faces immediate and irreparable harm;
3. The balance of equities favors Plaintiff; and
4. The public interest overwhelmingly supports injunctive relief.

Accordingly, it is ORDERED:

1. Defendants are TEMPORARILY RESTRAINED from:

- a. Imposing or recording any lien against Plaintiff's property;
- b. Assessing penalties or interest relating to the challenged tax;
- c. Initiating or advancing foreclosure proceedings;
- d. Taking any action to collect the contested tax.

2. This Order shall remain in effect for fourteen (14) days

unless extended by the Court.

3. A Preliminary Injunction hearing is set for:

at **in the Paul Brown Courthouse, Sherman,**
Texas.

4. Plaintiff shall serve this Order immediately.

5. Bond is set at \$0 or nominal

based on the constitutional nature of the relief and minimal
risk to Defendants.

SO, ORDERED.

UNITED STATES DISTRICT JUDGE

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Plaintiff,

v.

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THE COMMISSIONER OF EDUCATION;
THE CHIEF APPRAISER OF COLLIN COUNTY;
THE BOARD MEMBERS OF THE COLLIN COUNTY ARB,**
Defendants.

Civil Action No. 4-25CV1407-0

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S

**MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION****

INTRODUCTION

This case confronts a structural constitutional failure so sweeping that the Constitution of Texas — and the rights of the people who live under it — can no longer bear its weight.

For more than a generation, Texas has refused to honor Article VII, § 1, which commands the Legislature in mandatory terms to **“make suitable provision for the support and maintenance of an efficient system of public free schools.”** This is not a suggestion. It is not optional. It is the foundation stone of Texas’s constitutional design.

A State cannot abandon its highest constitutional duty and then force its citizens to carry the burden of that abandonment. Yet that is what Texas has done.

Instead of fulfilling the mandate of Article VII, the State created a de facto statewide property-tax system — a structure never authorized, never intended, and never lawful — and now enforces it with the crushing tools of:

- liens,
- penalties,
- interest,
- and foreclosure.

A tax that exists solely because the State refused its own constitutional obligation is not a tax at all. It is a **constitutional impropriety enforced under color of law.**

Plaintiff seeks emergency relief to prevent foreclosure, preserve his constitutional rights, and stop Defendants

from enforcing a system that violates the Fourteenth Amendment at every level.

The Court's intervention is necessary, and its authority to act is clear.

LEGAL STANDARD

Under *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011), Plaintiff must show:

1. **Substantial likelihood of success on the merits**
2. **Substantial threat of irreparable harm**
3. **Balance of equities in his favor**
4. **Injunction serves the public interest**

Plaintiff satisfies each factor — overwhelmingly.

ARGUMENT

I. PLAINTIFF IS SUBSTANTIALLY LIKELY TO SUCCEED ON THE MERITS

A. The Legislature's abandonment of Article VII renders the entire structure unconstitutional

The Texas Supreme Court has repeatedly held:

- Article VII, § 1 is **mandatory**
- The Legislature **must** fund an efficient public school system
- Local property taxes were never intended to bear the full weight of statewide education

Edgewood I.S.D. v. Kirby, 777 S.W.2d 391 (Tex. 1989).

But Texas chose not to obey this mandate.

The Legislature knowingly underfunded education, and in that void, a new structure emerged:

A property-tax machine designed not for local governance, but to compensate for the State's constitutional failure.

A tax built on the ruins of constitutional abandonment **cannot stand** under federal review. Its foundation is unlawful; thus, every enforcement action flowing from it is tainted.

This point alone establishes a substantial likelihood of success.

B. Equal Protection is violated by extreme, irrational geographic disparities

The Equal Protection Clause forbids:

- irrational classifications,
- arbitrary burdens,
- wealth-based discrimination unrelated to legitimate state purposes.

See *Nordlinger v. Hahn*, 505 U.S. 1 (1992).

Here:

- Every homeowner funds **the same statewide duty**
- Yet pays drastically different tax burdens
- Based solely on *the property wealth of their neighbors*

This is not equitable taxation — it is a constitutional distortion.

Even under rational basis review, Texas's structure fails. A tax cannot be rational where its underlying purpose — statewide education — is already a duty the State is constitutionally required to fund directly.

C. Substantive Due Process is violated because the tax is arbitrary, coercive, and conscience-shocking

The Supreme Court prohibits government action so arbitrary that it “shocks the conscience.”

County of Sacramento v. Lewis, 523 U.S. 833, 846 (1998).

A tax that:

1. Exists because the State abandoned its own constitutional mandate
2. Is enforced through the threat of taking a citizen's home
3. Lacks any legitimate governmental justification

...is the definition of conscience-shocking coercion.

This is not mere taxation — it is constitutional deformation wielded against innocent households.

D. Procedural Due Process is violated because no state forum can remedy the structural defect

ARB panels cannot:

- hear federal claims
- hear state constitutional claims
- correct Article VII failures
- question statewide funding formulas
- address the structure of the property-tax regime itself

The State provides **no procedure** capable of addressing the injury.

Under *Mathews v. Eldridge*, this is textbook procedural due process failure.

E. Defendants act ultra vires — outside lawful authority

Under *Ex parte Young* and *Heinrich*, state officials lose immunity when enforcing unconstitutional systems.

Here:

- The constitutional foundation for school funding is gone
- Property taxes filled the unlawful gap
- Every official enforcing that structure acts **without authority**

Ultra vires enforcement is not shielded by the State.
It is subject to injunctive relief from this Court.

II. PLAINTIFF FACES IMMEDIATE AND IRREPARABLE HARM

Three forms of irreparable harm converge here:

1. Constitutional injury

Loss of constitutional rights constitutes per se irreparable harm.

Elrod v. Burns, 427 U.S. 347 (1976).

2. Threat of foreclosure

Foreclosure is irreparable, permanent, and devastating. No remedy at law can compensate for the loss of a home. *Hodge v. Hodge*, 621 F.3d 323 (5th Cir. 2010).

3. Coercive taxation enforced under color of unconstitutional authority

Being forced to choose between:

- paying an unconstitutional tax, or
- losing one's home

is irreparable injury of the highest order.

III. THE BALANCE OF EQUITIES FAVORS PLAINTIFF

If relief is denied:

- Plaintiff may lose his home
- His constitutional rights will be violated daily
- He will suffer irreparable financial and emotional harm

If relief is granted:

- The State experiences a temporary pause
- No governmental function ceases
- No legitimate interest suffers

When one side risks ruin and the other risks delay, the equities are not balanced —
they are overwhelmingly one-sided.

IV. THE PUBLIC INTEREST DEMANDS AN INJUNCTION

The public interest is always served by:

- Enforcement of constitutional rights
- Prevention of unconstitutional taxation
- Protection of homeowners
- Restoration of lawful government structure

See Nken v. Holder, 556 U.S. 418, 435 (2009).

Texas has inverted its constitutional order.
The public deserves its restoration.

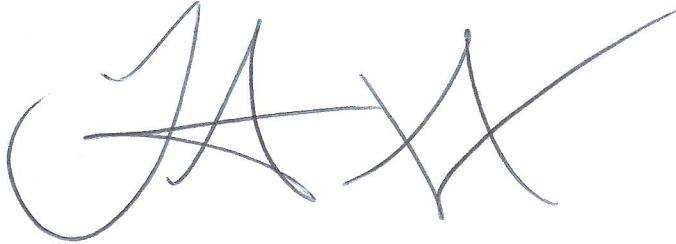
CONCLUSION

This case stands at the intersection of truth and power.
The truth is simple:

- The State abandoned Article VII
- It forced homeowners to bear the burden
- It enforces that burden with unlawful tools
- The Constitution forbids it

Plaintiff asks the Court to stop the harm now — before foreclosure becomes reality, before another day passes under a system built on constitutional betrayal.

The TRO must issue.

A handwritten signature in blue ink, appearing to be 'Freddie America', written in a stylized, cursive-like font.

Respectfully submitted,

Freddie America
a/k/a Freddie L. Lopez
Pro Se Plaintiff