



The Court should hold the FTMM as an unconstitutional exercise of executive authority. The FTMM exceeds CDC's statutory authority because § 361 of the Public Health Service Act contains no authority to adopt a nationwide mask mandate for the transportation (or any other) sector. Congress never intended for the Executive Branch to have the authority to promulgate these polices and even if it did, they are unconstitutional.

Congress has enacted at least 20 laws directly concerning the coronavirus pandemic, yet none of these have authorized a mask mandate. The Federal Defendants may not exercise their authority in a manner that is inconsistent with the administrative structure that Congress enacted.

The FTMM is arbitrary, irrational, and capricious because the Federal Defendants failed to reasonably explain why other measures are insufficient to tackle the rapidly declining COVID-19 infection and death rates.

Finally, the FTMM raise constitutional questions including 1st amendment violations of freedom of religious exercise, and freedom of speech, among others. If Section 361 of the Public Health Service Act confers such broad authority upon Defendant CDC to adopt these policies, the statute would violate the nondelegation doctrine because it contains no intelligible principle guiding CDC's exercise of its authority. The FTMM is also unconstitutional because they effectuate a taking of private property (transportation services paid for) without just compensation and delegate enforcement and exemption decisionmaking to nonfederal entities.

In Illinois, Governor Pritzker and the Illinois Department of Public Health forced businesses to deny service to customers who did not have a mask on with a threat of a fine. The IDPH emergency rules were only repealed when members of the IL Legislature who were also members of the Joint Committee on Administrative Rules (JCAR) indicated they would not have enough votes to renew the IDPH emergency rules in May 2021. This followed after a Circuit Court in Cook County acknowledged that the

IDPH mask mandate was violating the 1st amendment freedom of religious exercise in MAHWIKIZI Vs. IDPH (Case No. 2021CH01272).

Following Governor Pritzker repeal of the IDPH mask mandate; the Pritzker Administration still enforced the CDC FTMM that covers mask mandates in transportation including Rideshare Services. Essentially; IDPH mask mandate was repealed following an acknowledgment of a Circuit Court Judge that the IDPH mask mandate violated Rideshare Drivers' freedom of religious exercise; however The State of IL would continue to enforce the CDC's FTMM that still violates Rideshare Drivers' freedom of religions exercise.

It is under the guise of this redundancy and continued Constitutional violations that MAHWIKIZI brings a Federal case against the Federal Defendants in addition to State claims against Governor Pritzker and the Illinois Department of Public Health. Transportation businesses are no longer under a mask mandate by the State under threat of a fines; however these same Transportation businesses are under a Federal Mask Mandate under threat of a fine or possible imprisonment.

It is therefore appropriate for a Federal Court to address the discrepancies, and continued U.S. Constitution violations that are still imposed on Transportation businesses by the Federal Government in light of the CDC's confusing announcement that unvaccinated people are free to do what they want, but unvaccinated people are still held under the restrictive activity bans including mask wearing. The CDC is effectively saying that Vaccine induced antibodies is superior to natural immunity induced antibodies. The translation is that communities who have been more welcoming to take the vaccine are superior to communities who have viewed the vaccine with less candor, and who have preferred to go through the natural immunity path. If we peel the onion further; We will find communities who have had crimes committed against them by the CDC in the past will be of a particular race. CDC is therefore saying that these communities who do not have any trust in the CDC will be punished for not trusting the CDC and will remain under heavy restrictions.

This has birthed another push by Governor Pritzker to induce Illinois businesses to require proof of vaccinations or VAX Passports of their customers or refuse service. The political climate has forced Governor Pritzker to distance himself from his earlier calls for vaccine passports due to a new moniker quickly becoming more popular for him as "Illinois' Segregationist in Chief".

Businesses that had followed Governor Pritzker's inducement to institute segregationist policies of checking proof of vaccination before entry including the Illinois Union League Club, Speedway Gas Stations, 7-Eleven, The Cubs baseball organization, and more.

However Governor Pritzker's continued enforcement of CDC's FTMM order still requires even vaccinated people to wear masks in transportation settings such as flights, airports, trains, trainstations, and rideshare rides. It requires Rideshare drivers, flight attendants, and train conductors to refuse service to people in need even if they are 3 years old and cannot keep a mask on.

In Rideshare rides, the windows are open, and the ride has the full effect of being outdoors walking on the street. Yet; in Illinois, The mask up mandate continues for Rideshare rides. Drivers are forced to refuse service to those who do not mask regardless of the reason. the CDC FTMM promulgated in Illinois by Governor Pritzker in his latest emergency order 2021-14 (Exhibit 2) and thereafter enforced by the Illinois Department of Public Health violate MAHWIKIZI's 1st amendment right to freedom of speech and freedom of religious exercise. It also violates riders' 9th amendment that says that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people".

MAHWIKIZI maintains and reasserts the United States Constitution crafters wisdom in enacting the 9th Amendment. Rideshare Riders have a 9th Amendment right to choose whether they want to breathe freely or wear a mask during their Rideshare Rides. In fact, a parent has a 9th Amendment right to decide if their 4 year old should wear a mask in 90 degree weather or not. The CDC deprives American residents of this 9th Amendment right. It is doubtful that the CDC can competently convince this court

that the 9th Amendment right does not apply to American residents who they allow to not wear a mask indoor and outdoor but require they wear a mask in a Rideshare ride with windows open whether they have immunity from Covid-19 through natural Immunity (God's gift to mankind", or through artificially induced Immunity via one of the myriad of Vaccines available on the market. In Fact, The CDC has already published on their website (Exhibit 3) that Vaccine Immunity and Natural Immunity are all equal and both are considered by the CDC to be called "Active Immunity". However, their policies go against what the CDC has advocated for decades.

## II. PARTIES

Plaintiff MAHWIKIZI resides in Illinois' Cook County.

Defendant Centers for Disease Control & Prevention is an agency of HHS. It is headquartered at 1600 Clifton Rd., Atlanta, GA 30329. It has offices in Illinois

Defendant Department of Health & Human Services is a department of the Executive Branch. It is headquartered at 200 Independence Avenue, SW, Washington, DC 20201. CDC is a department of HHS.

Defendant Jay Robert Pritzker is Governor of Illinois with offices in Springfield, IL & Chicago IL.

Defendant Illinois Department of Public Health is a department of the Illinois Executive Branch. It has offices in Chicago IL, and Springfield IL

### III. BASIS FOR JURISDICTION, VENUE, & STANDING

This Court has jurisdiction over this case under 28 U.S.C. § 1331: “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” MAHWIKIZI’s claims arise under federal law, specifically the APA (5 U.S.C. § 702 et. seq.), as well as the U.S. Constitution and the Code of Federal Regulations. MAHWIKIZI also includes a state claim against Governor Pritzker and Illinois Department of Public Health since they are directly related to federal enforcement of the FTMM.

This Court has the authority to grant declaratory relief and to vacate the FTMM under the Declaratory Judgment Act, the APA, and this Court’s inherent equitable powers. 28 U.S.C. §§ 2201, 2202; 5 U.S.C. §§ 702, 706.

Venue is proper in this judicial district because a substantial part of the events giving rise to this lawsuit occurred in Chicago, Illinois & Cook County, IL. “A civil action may be brought in ... a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred ...” 28 U.S.C. § 1391(b)(2). Also “A civil action in which a defendant is ... an agency of the United States ... may, except as otherwise provided by law, be brought in any judicial district in which (A) a defendant in the action resides, (B) a substantial part of the events or omissions giving rise to the claim occurred ...” 28 U.S.C. § 1391(e)(1).

MAHWIKIZI has standing to sue the defendants because the FTMM restricts his freedom of speech & freedom to practice his religion, and constitute an illegal taking of his property (transportation services purchased). A court order declaring unconstitutional and setting aside the FTMM would redress MAHWIKIZI’s injuries because MAHWIKIZI’s 1st amendment rights guaranteed by the United States Constitution would be restored. As of now, MAHWIKIZI is required to refuse service to those in need who happen to not have a mask on because of the FTMM, depriving MAHWIKIZI of 1st amendment constitutional rights.

#### IV. STATEMENT OF FACTS

1. With effective Date of February 1, 2021, and signed on January 29th, 2021 by Martin Cetron of the CDC; the FTMM Order orders Rideshare Drivers to require riders wear a mask or refuse service with total discrimination unless the rider is 2 years old or younger.
2. MAHWIKIZI is a citizen and lawful resident of Cook County, Illinois.
3. MAHWIKIZI provides Transportation Services
4. MAHWIKIZI practices the religion of Christianity observing the doctrine of the Catholic Church
5. MAHWIKIZI has observed many of the sacraments required of his religion; including Baptism, Communion(Eucharist), Confirmation, Reconciliation, and Marriage.
6. MAHWIKIZI in practicing his religion; observes the teachings of Jesus Christ of Nazareth, especially the "Good Samaritan Principle".
7. For those who may not be familiar with Jesus Christ's teachings, the Parable of the Good Samaritan can be found in Luke 10:25-37:
  - a. 25 On one occasion an expert in the law stood up to test Jesus. "Teacher," he asked, "what must I do to inherit eternal life?"
  - b. 26 "What is written in the Law?" he replied. "How do you read it?"
  - c. 27 He answered, "'Love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind'[a]; and, 'Love your neighbor as yourself.'[b]"
  - d. 28 "You have answered correctly," Jesus replied. "Do this and you will live."

- e. But he wanted to justify himself, so he asked Jesus, "And who is my neighbor?"
  - f. 30 In reply Jesus said: "A man was going down from Jerusalem to Jericho, when he was attacked by robbers. They stripped him of his clothes, beat him and went away, leaving him half dead.
  - g. 31 A priest happened to be going down the same road, and when he saw the man, he passed by on the other side.
  - h. 32 So too, a Levite, when he came to the place and saw him, passed by on the other side.
  - i. 33 But a Samaritan, as he traveled, came where the man was; and when he saw him, he took pity on him.
  - j. 34 He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, brought him to an inn and took care of him.
  - k. 35 The next day he took out two denarii[c] and gave them to the innkeeper. 'Look after him,' he said, 'and when I return, I will reimburse you for any extra expense you may have.'
  - l. 36 "Which of these three do you think was a neighbor to the man who fell into the hands of robbers?"
  - m. 37 The expert in the law replied, "The one who had mercy on him." Jesus told him, "Go and do likewise."
8. The Jan 29th, 2021 CDC FTMM Orders, inter alia, limits MAHWIKIZI's constitutionally protected freedoms to practice his religion (1st Amendment of the U.S. Constitution), and his freedom of speech (1st Amendment of the U.S. Constitution) Where MAHWIKIZI is refused his Constitutional free agency to accept or deny service to clients. CDC FTMM requires him to refuse service to those in need without the opportunity to accept the same service to those in need. The acceptance of service is a form of free speech. The rider's request for transportation services is accepted by MAHWIKIZI or refused by MAHWIKIZI. An order requiring MAHWIKIZI refuse service and prevents an opportunity for MAHWIKIZI to accept the same service request



denies him of speech. Therefore CDC's FTMM denied MAHWIKIZI of his 1st amendment to free speech in that he is no longer allowed to accept a request for transportation services to someone who may not have a mask on.

9. MAHWIKIZI's right to practice of his religion as it pertains to the "Good Samaritan Principle" is violated by the CDC's FTMM which force him to act contrary to the teachings of Jesus Christ.
10. The CDC FTMM rules forbids anyone from being a good Samaritan and forces MAHWIKIZI to leave a mother with her children on the side of the road because one of her children does not have a mask on or cannot keep one on.
11. The CDC FTMM rules require for MAHWIKIZI to leave a person who is physically hurt and looking to go get his/her wound looked at on the side of the road if they happen to not have a mask on.
12. THE CDC FTMM Rules would forbid the Good Samaritan from tending the the injured man because he was without clothes like they forbid MAHWIKIZI from taking on a client who does not have a mask on regardless of the reasons why they do not have a mask on.
13. On or about March 5th, 2021; MAHWIKIZI was faced with a situation where he was required by the FTMM to refuse service to a mother whose children were not wearing masks and were above the age of 2. This would have resulted in the mother and children being left on the side of the road in the middle of Chicago's winter in a dangerous neighborhood.
14. On or account March 19th, 2021 - MAHWIKIZI filed a constitutional claim in Cook County Circuit Court against IDPH (Case No. 2021CH01272) claiming a violation of his Constitutional 1st Amendment rights.

15. On April 30th, 2021 - Oral arguments took place in MAHWIKIZI Vs. IDPH where MAHWIKIZI Successfully argued that IDPH's mask mandate forcing businesses to deny service to those in need was a violation of MAHWIKIZI's 1st Amendment Constitutional rights. (Exhibit 4)
16. On May 14, 2021; Judge Eve Reilly of the Cook County Circuit Court, in MAHWIKIZI Vs. IDPH recognized in writing that MAHWIKIZI had an ascertainable right of Freedom to Practice Religion that had been violated by the now repealed IDPH Mask Mandate for Illinois businesses.
17. On or about May 17, 2021; The CDC announced that Vaccinated people would no longer need to wear a mask in indoor or outdoor settings.
18. On or about May 26th, 2021; MAHWIKIZI picked up a masked rider who happened to be a minor (16-17 years old), who will be referred as Mr. K, and who had a destination of a mall in Lansing IL. MAHWIKIZI's vehicle was stopped by an unmarked police car. As documented in MAHWIKIZI's letter to the Police department chief of the police officers who stopped MAHWIKIZI's Vehicle (Exhibit 5); The police officers attested that they stopped MAHWIKIZI's vehicle on the sole basis of the type of mask the rider, Mr. K, was wearing. The Police officers used this pretext to stop MAHWIKIZI's vehicle. Additionally, as indicated in the letter, The police officers entered MAHWIKIZI's car on the rear passenger side to search Mr. K for weapons. The mask worn by Mr. K was the probable cause used by the Police officers to stop MAHWIKIZI's car, and enter MAHWIKIZI's car to manually feel around Mr. K's waist. Mr. K is a minor. The police officers did not ask for permission to open MAHWIKIZI's car and conduct a search of Mr. K. The police officers did not ask Mr. K to step outside the car. The police officers traumatized a minor going to the mall while saying the type of mask Mr. K wore looked like he was going to rob MAHWIKIZI or a store at the mall. Mr. told the officers that he was wearing the same mask that his school allowed. Many constitutional rights were broken including both Mr. K's & MAHWIKIZI constitutional amendment rights against unlawful searches. As indicated in MAHWIKIZI's letter to the Police Department Chief of the police officers; MAHWIKIZI understands that the use of

Masks as a probable cause was induced by the CDC FTMM order which Governor Pritzker and IDPH enforced in ILLINOIS. MAHWIKIZI asked the Police Department Chief in his letter to have a conversation with their officers about FTMM and what is allowed and not allowed in the field.

19. On May 27th, 2021, MAHWIKIZI filed a Freedom of Information Act Request (Case Number 21-01357-FOIA) also found in (Exhibit 6); with the CDC seeking any information that the CDC has that supports:

- a. "Please provide any mention, publication, study, email, text, declaration by the CDC that shows that for Covid19; Active immunity from natural antibodies by direct infection is inferior to Vaccine induced antibodies from Pfizer, Moderna, JNJ, other Emergency Use approved vaccines. Please provide any study that shows that people with natural immunity have to keep wearing masks versus people with vaccine induced antibodies."

20. To date, the CDC has failed to answer to MAHWIKIZI's FOIA request.

21. This was not the first time we see businesses and business owners being forced by Executive, and legislative branches to refuse service to customers. The worst example was the early 1900s Jim Crow Laws that fined businesses if they let Black customers eat at their restaurants; rent from their rental properties; or even drink from a "white Only" water fountain. Health was also used to convince the white population that their black neighbors were dangerous to them.

22. History revisionists try to make that situation into a purely white supremacist problem and "all white people are racist" narrative. However; at first, the Business owners who

refused service to Black customers were doing it according to local laws and rules propagated by Executive branch agencies and Legislative branch statutes. Some of these actions were made under the guise of “public health” following the 1918 Flu Pandemic. Similar to IL businesses forced by IDPH mask mandate to refuse service to those who don’t have masks on. Hate is taught, and conditioned on others by those in power.

23. Historian C. Van Woodward pointed out in a 1946 article (EXHIBIT 7) that Black Americans and White Americans mixed relatively freely until the 1880s, when State Government and Legislatures passed the 1st laws requiring Railroad providers separate regular train cars from “Negro” or “Colored Passengers’.
24. These laws led to Plessy V. Ferguson in 1896 where Judge John H. Ferguson proclaimed that “Separate But Equal” implies merely a legal distinction between White Americans and Black Americans and was not Unconstitutional. A Judicial error that would become a predicate behind untold deaths, persecutions, and massacres.
25. The Plessy decision was relied upon in advocating and sponsoring segregation; All Jim Crow laws were built on Plessy. All Jim Crow rules & laws were built on a Judicial branch action to validate discrimination and segregation of American residents. A stain on this Country’s history. A collective trauma that we still feel to this day despite Judicial advancements such as Supreme Court appointments like Thurgood Marshall, the last century’s civil rights giant. Jim Crow was a Judicial mistake and error that the Judicial branch is still trying to rectify to this date.

26. CDC's FTMM does just that once again, forgetting the history of this country. The rules require Transportation Business owners, and their employees, to refuse service to customers in the name of public health. The last time this was instituted was during the Jim Crow Laws.

27. That CDC requires transportation businesses to be safe and maintain a clean environment is not what is at issue. What is at issue is that CDC requires refusal of service, also known as discrimination, against their customers without solid scientific foundation. The Opposite is being proven by institutions like the Cleveland Clinic (Exhibit 8) while the CDC still has not answered to MAHWIKIZI's FOIA request to show that Vaccine Induced Immunity is superior to Natural Induced Immunity.

28. That CDC still has not answered MAHWIKIZI's Freedom of Information Act request to show how natural immunity is inferior to Vaccine induced immunity shows a lack of scientific foundation behind CDC's FTMM order that is inducing the violation of people's constitutional rights in that it asks vaccinated people to still wear a mask in transportation settings. Vaccinated people have vaccine induced immunity. CDC also asks those with natural immunity through natural infection to also still wear a mask in transportation sectors. The wearing of a mask is no longer rooted in scientific foundation. Forcing the abandonment of the United States Constitution; even in a pandemic, is not grounds that the United Supreme Court will abide by. The CDC's FTMM, and vaccine segregation tendencies are inducing a renewed Segregation of America under their authority. As the U.S. Supreme Court Emergency opinion in Catholic Diocese of Brooklyn NY Vs. Cuomo said: "Even in a pandemic, the Constitution cannot be put away and forgotten."

29. To establish a clearly ascertainable right in need of protection, a plaintiff must raise a fair question that She/He has a substantive interest recognized by statute or common law. A well-pleaded complaint for injunctive relief must contain on its face a clear right to relief and allege facts which establish the right to such relief in a positive, certain and precise manner.

30. Here, MAHWIKIZI alleges an ascertainable right in his free exercise of religion. MAHWIKIZI alleges that his religion mandates that he helps those in need, and that this belief extends to individuals who request rideshare services whether they are masked or

not. MAHWIKIZI has an ascertainable right to free exercise of his religion in addition to an ascertainable right to freedom of speech in deciding what rides to accept or deny.

31. We have clear U.S. Supreme Court decisions that show where the current U.S. Supreme Court may stand in MAHWIKIZI's complaint.

32. In *Braunfeld Vs. Brown* where Braunfeld complained against the state of Pennsylvania making a law forbidding the sale of retail products on Sundays because the suspect class impacted was the orthodox Jewish community that closed their businesses on Saturday to observe the Sabbath.

33. The U.S. Supreme Court decision in *Braunfeld*; the Court held that "Where the purpose or effect of a law is to impede the observance of one or all religions or is to discriminate invidiously between religions, that law is constitutionally invalid even though the burden may be characterized as being only indirect.

34. Justice Brennan agreed that the State cannot put an individual to a choice between his business and his religion. This became the basis 2 years later in Justice Brennan's majority opinion in *Sherbet Vs. Verner* - Striking a law down that prohibited a worker from collecting unemployment because said worker did not work Saturdays due to their religion.

35. Here too, the Federal Defendants are asking MAHWIKIZI to choose between his work and his religion.

36. The suspect class in the FTMM is Christian employees or business owners. They are forced to choose between Jesus Christ's teachings in the Good Samaritan Parable and their work. It is as if in *Braunfeld V. Brown*; the State of Pennsylvania made a law instead to require all businesses to be open on Saturdays. The clear suspect class would be the Orthodox Jewish community and other religions that observe the Sabbath. In CDC's FTMM, the suspect class are Christians that observe Jesus Christ's teachings in the Good Samaritan Principle.

37. With increasing studies showing that natural immunity is prevalent in addition to the availability of vaccines for the most vulnerable populations against Covid-19, in addition to successful therapeutics that have lowered serious illness and death; the CDC FTMM is arbitrary, irrational, and obsolete.

38. Under *Smith (Employment Division V. Smith)* - Government no longer had to show that it was acting in furtherance of a "compelling public interest" if burden was an unintended result of laws that are generally applicable unless:

1. The laws intended to prohibit the free exercise of religion,
2. The laws violated other 1st amendment constitutional rights

39. MAHWIKIZI has shown that the CDC FTMM violates MAHWIKIZI's free exercise of religion and MAHWIKIZI's freedom of speech in their mandate to refuse service to all riders who may not be wearing a mask during rideshare services.



40. Federal Defendants will argue that rather than being held under the Strict Scrutiny Test; they should be held on the rational basis Test. MAHWIKIZI argues against such a notion; and even if the Court allowed the rational basis test; MAHWIKIZI will submit a request for documents at the evidentiary stage that will show that the CDC's FTMM is irrational and obsolete.
41. MAHWIKIZI continues to suffer irreparable harm from the CDC's FTMM.
42. In a recent U.S. Supreme Court opinion in Roman Catholic Diocese of Brooklyn NY Vs. Governor Andrew Cuomo of NY; The Supreme Court again assumed a broad understanding of religious freedom in the Constitution citing a precedent that holds that the loss of 1st Amendment freedoms, for even minimal period of time, unquestionably constitutes irreparable injury - *Elrod V. Burns*.
43. The Supreme Court in the same case held that granting injunctive relief would not harm the public. "Even in a pandemic, the Constitution cannot be put away and forgotten."
44. CDC FTMM is not a neutral law of general application that results only in incidental effect on 1st amendment rights. For Rideshare Drivers like MAHWIKIZI who are observing Christians, the effect of the FTMM is continuous daily for every ride request they have to refuse without the legal opportunity to accept. This occurs over 15 times a day for MAHWIKIZI, over 80% of MAHWIKIZI's clients.

45. In fact, as in *Nashville, Chattanooga & St. Louis Railway Vs. Waters* [294 U.S. 405(1935)] -  
The U.S. Supreme Court even reversed a decision of the Tennessee Supreme Court on the grounds that a person should have the chance to prove that a law that once may have been rational had become obsolete and irrational.
46. MAHWIKIZI has established two first amendment ascertainable rights in need of protection
47. MAHWIKIZI has established a likelihood of success on merits whereby the Court will hold Federal Defendants to the high threshold of Strict Scrutiny Test
48. MAHWIKIZI has established an irreparable harm in the absence of inductive relief highly relying on the U.S. Supreme Court recent opinion in *Catholic Brooklyn V. Cuomo*
49. MAHWIKIZI has shown a lack of adequate remedy at law
50. MAHWIKIZI has shown that he benefits of an injunction outweigh possible injury to the State.
51. An actual controversy exists between the parties in regard to the CDC FTMM when it comes to the practice of religion, and freedom of speech.

52. An actual controversy exists between the parties in regard to the authority of Pritzker, and IDPH to issue and enforce face coverings/masks to all Illinois residents using transportation.

53. An immediate and definitive determination is necessary to clarify the rights and interests of the parties.

COUNT I  
REQUEST FOR DECLARATORY JUDGEMENT

THEREFORE, Plaintiff, JUSTIN MAHWIKIZI, herein request that this court enter an Order:

- A. MAHWIKIZI restates paragraphs 1-54 as if more fully stated herein.
- B. Entering an order finding CDC's FTMM Order were declared January 29th, 2021;
- C. Entering an order finding the FTMM Order actioned by CDC violate the 1st Amendment constitutional rights of MAHWIKIZI when it comes to his practice of his Religion, and Freedom of Speech;
- D. Entering an order finding the FTMM Order actioned by CDC violate the public's 9h Amendment when it comes to requiring vaccinated people or those with natural immunity to continue to mask up in transportation settings.;
- E. That the Court grant such other and further relief as is just and proper.

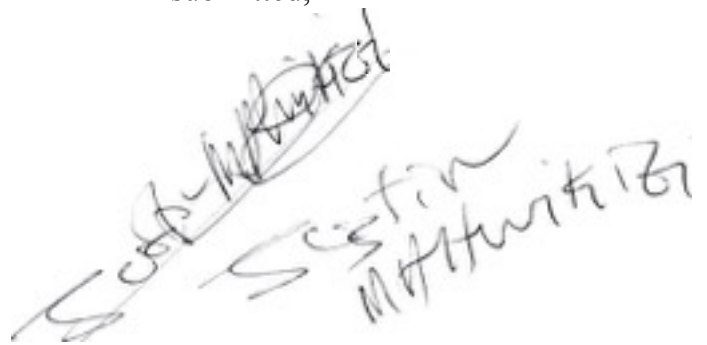
COUNT II  
REQUEST FOR INJUNCTION

- A. MAHWIKIZI restates paragraphs 1-54 as if more fully stated herein.
- B. MAHWIKIZI is being irreparably harmed each and every day beyond August 07, 2020 in which he continues to be subjected to CDC's ultra vires FTMM order through its' implementation by Governor Pritzker, and IDPH specifically to force MAHWIKIZI's clients to wear a mask or ask them to leave his vehicle or simply leave them by the side of the road.
- C. MAHWIKIZI has no adequate remedy at law to prohibit CDC, and downstream State Agencies from enforcing the FTMM order against him absent an injunction from this Court ordering the same.
- D. There is a reasonably likelihood of success on the merits in that CDC's FTMM order violate MAHWIKIZI's Constitutional 1st Amendment rights that forces MAHWIKIZI to require MAHWIKIZI's clients to wear a mask or ask them to leave his vehicle or simply leave them by the side of the road. Both Practice of Religion, and Freedom of Speech.

WHEREFORE, Plaintiff, JUSTIN MAHWIKIZI, prays that this Court enters a declaratory and injunctive judgement in his favor and finds and declares that:

- B. Finding MAHWIKIZI is irreparably harmed each day he is subjected to the CDC FTMM relative to this cause, specifically requiring MAHWIKIZI to require MAHWIKIZI's clients to wear a mask or ask them to leave his vehicle or simply leave them by the side of the road.
- C. Finding MAHWIKIZI has no adequate remedy at law to protect his rights against any unconstitutional orders of HHS, CDC, IDPH and the Pritzker Administration beyond injunctive relief.
- D. Finding MAHWIKIZI has a likelihood of success on the merits, and has clearly stated ascertainable rights in need of relief
- E. Enter an injunction permanently enjoining HHS, CDC, or anyone the under the Agencies' authorities, from enforcing the CDC FTMM against MAHWIKIZI from this date forward.
- F. For such other relief as this Court deems just and proper.

Respectfully  
submitted,

A handwritten signature in black ink, appearing to read "Justin Mahwikizi", is written over a circular stamp that contains the text "Sub-Printed".

/S/JUSTIN MAHWIKIZI  
JUSTIN MAHWIKIZI

18430 Francisco Avenue  
Homewood IL, 60430

CERTIFICATION

Under F.R.Civ.P. 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Respectfully submitted this 28th day of June 2021.

Date: 6/28/2021

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Justin Mahwikizi", written over a horizontal line. The signature is somewhat stylized and slanted.

/S/JUSTINMAHWIKIZI

JUSTIN MAHWIKIZI

## CERTIFICATE OF SERVICE

In addition to formal service of process, due to the emergency nature of this action, JUSTIN MAHWIKIZI hereby certifies that on June 28, 2021, MAHWIKIZI e-mailed this Complaint and all accompanying exhibits and documents to the Defendants' counsels:

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