UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

AUG 16 2022

KEVIN P. WEIMER, Clerk
By: Deputy Clerk

RAISSA DJUISSI KENGNE,	)	
Plaintiff,	)	
	)	Case No.
v.	)	1:22-CV-2297
ID.ME, INC.	)	
COGENCY GLOBAL INC.	)	
250 BROWNS HILL CT,	)	
MIDLOTHIAN, VA, 23114 - 9510, USA	)	
	)	
Defendant.	)	

PLAINTIFF'S RESPONSE IN OBJECTION TO THE REPORT AND RECOMMENDATION AND ORDER AND NOTICE OF CONTINUED APPEAL

APPENDIX TO RAISSA DJUISSI KENGNE'S OBJECTION TO THE REPORT AND RECOMMENDATION AND ORDER AND NOTICE OF CONTINUED APPEAL AND APPLICATION FOR APPELLATE REVIEW IN COMPLIANCE WITH RULES 30 AND 31 OF THE FEDERAL RULES OF APPELLATE PROCEDURE

Exhibit 1	DOC. 1.	ID.ME Civil Cover Sheet
Exhibit 2	DOC. 5	Plaintiff's Motion For Reconsideration of Plaintiff's Motion To Proceed In Forma Pauperis
Exhibit 3	DOCs.7 and 8	2nd Report and Recommendation and Order
Exhibit 4	N/A	CIVIL DOCKET FOR CASE #: 1:22-cv-02237-SEG

TABLE OF CONTENT TO RAISSA DJUISSI KENGNE'S

OBJECTION TO THE REPORT AND RECOMMENDATION AND ORDER AND NOTICE OF CONTINUED APPEAL

AND

APPLICATION FOR APPELLATE REVIEW IN COMPLIANCE WITH RULES 30 AND 31 OF THE FEDERAL RULES OF APPELLATE PROCEDURE

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TO THE HONORABLE JUDGE OF SAID COURT:

PLAINTIFF, RAISSA DJUISSI KENGNE ("Plaintiff" or "Homeowner") hereby submits her response and objections to the Final Report And Recommendation And Order filed on August 5th, 2022 issued in relation to Plaintiff's Complaint and Request For Injunction (the "Report", or "R & R") and the Motion For Reconsideration of Plaintiff's Motion To Proceed In Forma Pauperis (the "Motion for Reconsideration") dated July 1st, 2022. United States Magistrate Judge Catherine M. Salinas, has recommended and ordered as follows:

> ORDERED, that Plaintiff's application to proceed IFP be DENIED
>
> RECOMMENDED and ORDERED, that Plaintiff's complaint be DISMISSED without prejudice for lack of subject matter jurisdiction, and for failure to comply with a lawful order of the Court.

The recommended order must be refused for the following reasons:

(1) Although not expressly stated on the Civil Cover Sheet, but implied. Plaintiff's causes of action and claims for relief as noted under Plaintiff's Complaint and Request For Injunction as well as in her Motion for Reconsideration fall under the US Constitution 14th Amendment. Plaintiff has clarified her claims in her "Motion For Reconsideration of Plaintiff's Motion To Proceed In Forma Pauperis" dated July 1st, 2022 that she filed with the Court [See Exhibit 2, at 12-15] and in her Motion for

Appeal that she filed on July 5th, 2022 [DOC.5, at 29-32]. Plaintiff has an implied and express right of action under the following statutes: a) 42 U.S.C. § 1104 Unemployment Trust Fund, b) 26 U.S.C. 3301 et seq. Federal Unemployment Tax Act, c) O.C.G.A. § 34-8-45 Supplemental unemployment benefits, d) the 14th Amendment - Title I, and e) the 14th Amendment - Public Health, Safety, and Morals.

Plaintiff's claims under the 14th Amendment - Title I and the 14th Amendment - Public Health, Safety, and Morals are not expressly included in the Civil Cover sheet, but are implied in analyzing the impact that the lack of income can have on an individual and the deprivation by ID.Me, Inc. of the way for Plaintiff to access legally obtained income. Furthermore, in evaluating the legal sufficiency of a complaint for purposes of §1915(d), the courts apply the customary standard enunciated in Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct b. 99, 101-102, 2 L.Ed.2d 80 (1957), that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the Plaintiff can prove no set of facts in support of his or her claim, which would entitle him or her to relief. Plaintiff can prove the facts to support her claims and has provided evidence to support her claims [DOCs 1 and 5].

Plaintiff's claims are not based on diversity jurisdiction, but on a Federal question as shown on the Civil Cover sheet. See Exhibit 1.

In addition to 42 U.S.C. § 1104 Unemployment Trust Fund and 26 U.S.C. 3301 et seq. Federal Unemployment Tax Act, the 14th Amendment - Title I and the 14th Amendment - Public Health, Safety, and Morals have a federal question and provide for both an express and implied right of action, which include, but are not limited to causes of action for abridging the privileges of Plaintiff as a citizen of the United States, depriving Plaintiff of life, liberty, or property, without due process of law, and denying Plaintiff the equal protection of the laws[1].

(2) Plaintiff meets all the requirements to proceed in forma pauperis ("IFP"); Plaintiff has submitted her arguments as well as clarified her responses provided on the IFP form that she completed (which are accurate) in her "Motion For Reconsideration" dated July 1st, 2022 that she filed with the Court [See Exhibit 2, at 2-11] and in her Motion for Appeal that she filed on July 5th, 2022 [DOC.5, at 6-11].

(3) Plaintiff has the right to file an appeal to proceed in IFP without having her case dismissed because she waited, as allowed by law,

[1] See the website Constitution Annoted: Analysis and Interpretation of the U.S. Constitution (https://constitution.congress.gov/browse/amendment-14/section-1/)

to hear a ruling from the court of appeals prior to paying the filing fees, if needed, which is the centerpoint of the appeal. Therefore, Judge Catherine M. Salinas inaccurately represented the fact by stating that Plaintiff "fail[ed] to comply with a lawful order of the Court" to pay the filing fees [Doc. 7, at 5].

(4) Plaintiff's case is in appeal and therefore, any arguments in the Report and Recommendation and order may be moot upon a ruling of the United Sates Court of Appeals.

I. OBJECTIONS, RESPONSES, AND ARGUMENTS TO THE REPORT AND RECOMMENDATION AND ORDER

A. OBJECTIONS, RESPONSES, AND ARGUMENTS TO STATEMENT OF ANALYSIS 1

Judge Catherine M. Salinas stated as follows:

"The Order further notified Plaintiff that if she sought to proceed with her lawsuit, she should first "ensure that she alleges a valid claim and that federal and/or diversity jurisdiction exists." [Id. at 2 n.2]. The Order pointed out that after review of her proposed complaint, it was doubtful that any of the federal or state statutes cited by Plaintiff in her

proposed complaint provided any individual right of action in federal court.2 [Id.]" [DOC 7, at 2]

Plaintiff clarified her claims in her Motion for Reconsideration (see Exhibit 2) and Motion for Appeal [DOC. 5]. Although Judge Catherine M. Salinas chose to disregard Plaintiff's responses, it does not mean that Plaintiff, by law, does not have causes of action.

Judge Catherine M. Salinas stated as follows:

> *"However, there are no allegations in Plaintiff's proposed complaint to support federal question jurisdiction. She has not cited any federal law or statute that would provide federal question subject matter jurisdiction over her claims."* [DOC 7, at 4]

Similarly, Judge Catherine M. Salinas chose to disregard Plaintiff's responses in her Motion for Reconsideration (see Exhibit 2) and Motion for Appeal [DOC. 5]; it does not mean that Plaintiff, by law, does not have causes of action.

42 U.S.C. § 1104 Unemployment Trust Fund, 26 U.S.C. 3301 et seq. Federal Unemployment Tax Act, the 14th Amendment - Title I, and the 14th Amendment - Public Health, Safety, and Morals governing authorities have a federal question and provide for both an express and implied right of action, which include, but are not limited to causes of action for abridging the privileges of Plaintiff as a citizen of the

United States, depriving Plaintiff of life, liberty, or property, without due process of law, and denying Plaintiff the equal protection of the laws[2].

Indeed, the Georgia Department of Labor (GDOL) has partnered with ID.me to verify claimant identification in order to receive any types of unemployment benefits, which makes ID.Me a state actor.

A state actor[3] is a person who is acting on behalf of a governmental body, and is therefore subject to regulation under the United States Bill of Rights, including the First, Fifth and Fourteenth Amendments, which prohibit the federal and state governments from violating certain rights and freedoms. Though the term would seem to include only persons who are directly employed by the state, the United States Supreme Court has interpreted these amendments and laws passed pursuant to them to cover many persons who have only an indirect relationship with the government. According to the Supreme Court in Edmonson v. Leesville Concrete Co., Inc., 500 U.S. 614 (1991), "Although the conduct of private parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints."

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[2] See the website Constitution Annoted: Analysis and Interpretation of the U.S. Constitution (https://constitution.congress.gov/browse/amendment-14/section-1/)

[3] See website Cornell Law School – Legal institute Information (https://www.law.cornell.edu/wex/state_action_requirement).

For the foregoing reasons, the referenced 2nd Final Report And Recommendation And Order issued should not be adopted to the extent it recommends that Plaintiff's application to proceed IFP be denied, Plaintiff's Complaint be dismissed without prejudice for lack of subject matter jurisdiction and for failure to comply with a lawful order of the Court.

B. OBJECTIONS, RESPONSES, AND ARGUMENTS TO STATEMENT OF ANALYSIS 2

Judge Catherine M. Salinas stated as follows:

> "*The Order was based on the financial affidavit that Plaintiff completed and filed under penalty of perjury.1 [Doc. 1].* "[Doc. 7 at 2).

Plaintiff has already provided a response to explain her financial situation stating that the expenses reflected in the Affidavit were applicable prior to Plaintiff constructive discharged on November 18th, 2021 [DOC. 5 at 25]. The financial affidavit is accurate; Judge Catherine M. Salinas chose to highlight elements that would support a dismissal and ignore the full picture to represent the fair financial situation of Plaintiff.

Judge Catherine M. Salinas also included the following footnotes [Doc. 7 at 2-3).

> "*She listed no children or a spouse that rely on her for support, and she indicated that she owns a condo valued at approximately $500,000, a land lot worth*

$55,000, and an abandoned house worth approximately $200,000. [Doc. 1, Pl.'s Aff.]. The undersigned found that Plaintiff's annual income was well above the poverty level, and while she listed average monthly expenses that exceeded her monthly income, I noted that some of those discretionary amounts for one person seemed unnecessarily high, such as $1000 for food, $1000 for utilities, $200 for laundry and dry cleaning, and $6000 to Bank of America, Citi Bank, and American Express. [Doc. 2 at 2]. I concluded that while she may have limited funds and may have other priorities for those funds, according to her affidavit, she was able to pay the required $402 filing fee and should do so if she wished to pursue this case. [Id.].

2 Plaintiff's proposed complaint alleges, as a basis for federal question jurisdiction, that the named defendants violated the following federal and state statutes by refusing to provide Plaintiff access to her account on ID.me's website in order for Plaintiff to receive unemployment benefits, "causing Plaintiff to live without income": 42 U.S.C. § 1104 (Unemployment Trust Fund); 26 U.S.C. § 3301, et seq. (Federal Unemployment Tax Act); and O.C.G.A. § 34-8-45 (Supplemental Unemployment Benefits). [Doc. 1-1 at 3–4]. Plaintiff has cited no authority indicating that any of in the same week seeking permission to proceed IFP.3 For the same or similar reasons, all of Plaintiff's applications to proceed IFP were denied.

Similarly, Judge Catherine M. Salinas has chosen to highlight the elements to support a dismissal and ignore the information provided that present a fairer representation of Plaintiff's financial situation. For example, Plaintiff provided the following information [DOC 5, at 21]:

"Plaintiff's monthly income over the past seven and a half (7.5) months is $0.00. Plaintiff has utilized all her retirement savings, including her income she earned prior to being constructively discharged, in order to pay for the security and safety of her family, which is also related to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court. Therefore, the average monthly income of $7,500 from Plaintiff's employment and retirement, does not reflect that the money was used for safety and security in view of the threats Plaintiff and her family were facing. Plaintiff's priorities were and are perfectly aligned to the law of God and the thought process of any reasonable person. In view of the subject matter in case number 2022CV365268, Plaintiff's family came first and she spent a considerable amount of money to ensure their security and safety.

Further, Plaintiff has provided in Exhibits 2 and 3 herein evidence showing that she was not able to receive unemployment benefits since her constructive discharge on November 18th, 2022. The Plaintiff's lawsuit against ID.Me, Inc. is to allow Plaintiff to receive her unemployment benefits."

In addition, Plaintiff provided the information below [DOC 5, at 22], which also explains that Judge Catherine M. Salinas only looked at the FAIR value of the property **without looking at the mortgage on the property; Therefore, the NET value of the property is not $500,000 it is a lot less (this is applicable to all assets listed on the forms. Judge Catherine M. Salinas refused to look at the liabilities**

on Plaintiff's assets in order to support her opinion to deny Plaintiff's Motions and dismiss the Complaint :

"The facts presented in the Report related to the Plaintiff's financial situation are incomplete. Plaintiff's liabilities on the properties listed, particularly the condominium, the land, and the abandoned house as well as the state of pre-foreclosure on certain of the said properties were not taken into consideration by the Judge of the Magistrate Court. Plaintiff does not have significant equity in the land and the house. Due to the foreclosure process, Plaintiff may not receive any funds from the sale of those properties.

Plaintiff has provided in Exhibit 4 herein evidence showing that the said properties are at risk of foreclosure. The abandoned and inhabitable house worth approximately $200,000 is mortgaged with Delta Community Credit Union. The land lot worth approximately $55,000 is mortgaged with AGSOUTH Farm Credit, ACA. Both properties are under foreclosure notices as shown in Exhibit 4.

Plaintiff's main asset is the condominium with a value of approximately $500,000, which is Plaintiff's primary residence and is subject to a mortgage that Plaintiff is also unable to pay due to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court.

In addition, Plaintiff has provided in Exhibit 2 herein evidence showing that her home was broken into, she was blacklisted from her industry, and prevented to find a job in line with her qualifications due to the subject matter of case number 2022CV365268 filed in Fulton County Superior Court.

> *Further, Plaintiff has provided in Exhibits 2 and 3 herein evidence showing that she was not able to receive unemployment benefits since her constructive discharge on November 18th, 2022. The Plaintiff's lawsuit against ID.Me, Inc. is to allow Plaintiff to receive her unemployment benefits.*

Based on § 1915(a) and Rule 24, to grant a motion to proceed IFP on appeal, the moving party must submit an affidavit that demonstrates (1) an inability to pay, (2) entitlement to redress, (3) the issues on appeal, and (4) good faith. The **first** requirement to meet when considering a motion to proceed IFP, ".. is whether the statements in the affidavit satisfy the requirement of poverty." Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 (11th Cir. 2004). To show poverty, the Plaintiff need not show that he is "absolutely destitute." Id. Instead, the plaintiff must demonstrate that "because of his poverty, he is unable to pay for the court fees and costs, and to support and provide necessities for himself and his dependents." Id. The **second** requirements to proceed IFP on appeal, requires the moving party to state an entitlement of redress. Plaintiff has done so see Exhibit 2 and DOCs, 1, 5. The **third** condition for proceeding IFP requires the moving party to clearly state the issues on appeal. Plaintiff has done so [DOC. 5]. The **fourth** requirement to proceed IFP on appeal is good faith. The test for whether an appeal is taken in good faith under section 1915(a) is whether the litigant seeks appellate review of any issue that is not frivolous. Mixon v. Corizon, Inc., 2012 WL 1136331 at *2 (S.D. Ala. Mar. 30, 2012). A claim is frivolous if it is "without arguable merit either in law or fact." Bilal

v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001). In this case, the issues on appeal, as listed above, are not frivolous.

For the foregoing reasons, the referenced 2nd Final Report And Recommendation And Order issued should not be adopted to the extent it recommends that Plaintiff's application to proceed IFP be denied, Plaintiff's complaint be dismissed without prejudice for lack of subject matter jurisdiction and for failure to comply with a lawful order of the Court.

C. OBJECTIONS, RESPONSES, AND ARGUMENTS TO STATEMENT OF ANALYSIS 3

Judge Catherine M. Salinas stated as follows in her R&R:

> *"Instead of timely paying the filing fee and submitting an amended complaint, Plaintiff filed a 678-page motion for appeal, citing 28 U.S.C. § 1915(a), Federal Rule of Appellate Procedure 24, and 28 U.S.C. § 1292(b) as the purported governing authorities. [Doc. 5]. In that motion, Plaintiff argues that by delaying and preventing Plaintiff from accessing her ID.me unemployment account, ID.me has "wrongfully, illegally, and/or unlawful [sic] depriving Plaintiff of food, shelter, and adequate healthcare," and "violated Plaintiff unalienable rights under the 14th Amendment Title 1" and her "right to Life, Liberty and the pursuit of Happiness as well as due process." [Doc. 5 at 9]. That motion remains pending before the district judge assigned to this case.*

With regard to the complaint that Plaintiff has filed in this case, not only has Plaintiff failed to pay the filing fee; she has also failed to establish subject matter jurisdiction over her claim(s)". **[DOC. 7, at 3-4)**

Plaintiff submitted the following documents for an appeal:

- A motion, with a total number of pages equal to 33.
- Exhibit 1, which is the Complaint related to the retaliation Plaintiff was subjected to upon reporting violations of SEC regulations, PCAOB standards, and AICPA standards. The Complaint was removed to the U.S. District Court for the Northern District, Atlanta Division. Judge Catherine M. Salinas has also issued an order to dismiss the case and denied all of Plaintiff's motions. Exhibit 1 contains 514 pages.
- There were additional exhibits. However, the motion in appeal was only 33 pages long.
- The page count provided by Judge Catherine M. Salinas does not exclude first pages, table of contents, and exhibits.

Plaintiff also filed a Motion for Reconsideration prior to filing the Motion for Appeal to fully present her case to Judge Catherine M. Salinas.

Furthermore, Plaintiff notes and wants to clarify that 28 U.S.C. § 1915(a), Federal Rule of Appellate Procedure 24, and 28 U.S.C. § 1292(b) are the governing authorities that allow Plaintiff to file an appeal.

Plaintiff's causes of action fall under the statutes listed below, which include Federal questions and provide for implied and express rights of action.

- 42 U.S.C. § 1104 Unemployment Trust Fund,
- 26 U.S.C. 3301 et seq. Federal Unemployment Tax Act,
- O.C.G.A. § 34-8-45 Supplemental unemployment benefits,
- The 14th Amendment - Title I, and
- The 14th Amendment - Public Health, Safety, and Morals

Furthermore, Plaintiff has **not** *"failed to pay the filing fee"* ***nor*** *"fail[ed] to comply with a lawful order of the Court"*; Plaintiff has filed a Motion for Reconsideration within 14 days[4] of the order and first R&R issued by Judge Catherine M. Salinas and a motion for appeal within 30 days[5] of the order and first R&R issued by Judge Catherine M. Salinas (see Exhibit 4 for a timeline of the filings).

For the foregoing reasons, the referenced 2nd Final Report And Recommendation And Order issued should not be adopted to the extent it recommends that Plaintiff's application to proceed IFP be denied, Plaintiff's

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[4] LR 7.2 SPECIFIC MOTIONS (https://www.gand.uscourts.gov/sites/default/files/NDGARulesCV.pdf)
(E) Motions for Reconsideration. ...Whenever a party or attorney for a party believes it is absolutely necessary to file a motion to reconsider an order or judgment, the motion shall be filed with the clerk of court within twenty-eight (28) days after entry of the order or judgment. Responses shall be filed not later than fourteen (14) days after service of the motion.

[5] FEDERAL RULES OF APPELLATE PROCEDURE - Rule 4. Appeal as of Right—When Taken
(a) Appeal in a Civil Case.
(1) Time for Filing a Notice of Appeal.
(A) In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.

complaint be dismissed without prejudice for lack of subject matter jurisdiction and for failure to comply with a lawful order of the Court.

D. CLAIM

In evaluating the legal sufficiency of a complaint for purposes of §1915(d), the courts apply the customary standard enunciated in Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 101-102, 2 L.Ed.2d 80 (1957), that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the Plaintiff can prove no set of facts in support of his or her claim, which would entitle him or her to relief. Plaintiff can prove the facts to support her claims and has provided evidence to support her claims.

Plaintiff's Prayers for Relief to the Court in Plaintiff's Complaint and Request For Injunction include, but is not limited to, a Court's request to "Grant any such additional relief to Plaintiff in law or equity as the Court deems just and proper under the circumstances." Plaintiff's request includes actual and punitive damages.

E. OTHER CASES FILED BY PLAINTIFF

Plaintiff has requested to proceed in IFP on three (3) different cases that shed filed in the U.S. District Court for the Northern District, Atlanta Division all related to the retaliation practices that she faced upon reporting a fraud at BDO USA, LLP where she was previously employed as an IT Audit Manager. The cases numbers are

1:22-CV-2237, 1:22-CV-2297-SEG, and 1:22-CV-2263. In addition, Plaintiff filed the main retaliation case in Fulton County Superior Court (2022CV365), which was removed to the U.S. District Federal Court for the Northern District, Atlanta Division by BDO USA, LLP and other defendants (1:22-cv-02653-SEG-CMS). Judge Catherine M. Salinas has intervened and issued in all four (4) cases of Plaintiff, one or more Reports and Recommendations without fully considering Plaintiff's arguments and advocating for the defendants in her ruling, which in all cases have favored the defense. In three (3) out of the four (4) cases listed above, Judge Catherine M. Salinas has tried to dismiss the cases instead of letting the Defendants make their arguments for a dismissal. In four (4) out of four (4) cases, Judge Catherine M. Salinas has issued recommendations and orders to have all of Plaintiff's cases dismissed. All of Plaintiff's cases are related to the retaliation that she was subjected to upon engaging in a protected activity. Therefore, Plaintiff has decided to file an appeal.

F. IFP AND FILING FEES

Should the U.S. Court of Appeals decline Plaintiff's request to proceed in IFP, Plaintiff respectfully requests the Court to extend the timing allowed for Plaintiff to pay the filing fees by several months. It will certainly delay justice, but at least Plaintiff will have her day in Court.

II. JURISDICTION AND VENUE

Plaintiff's case falls under the following U.S. Civil Statutes.

a. 42 U.S.C. § 1104 Unemployment Trust Fund

b. 26 U.S.C. 3301 et seq. Federal Unemployment Tax Act

c. O.C.G.A. § 34-8-45 Supplemental unemployment benefits

d. 14th Amendment Section 1.

This Court has subject matter jurisdiction over this case because Plaintiff's claims arise under the laws of the State of Georgia and the United States. It has jurisdiction over the Plaintiff's state law and regulations claims because they are so closely related to the federal claims as to form part of the same case or controversy. The Northern District of Georgia consists of four (4) divisions as outlined and described in 28 U.S.C. § 90. The Atlanta Division comprises the counties of Cherokee, Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett, Henry, Newton, and Rockdale.

Pursuant to 28 U.S. Code § 1391, 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, or a substantial part of property that is the subject of the action is situated.

Pursuant to 28 U.S. Code § 1391, for purposes of venue in a State, which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.

Pursuant to 28 U.S. Code § 1343, Civil rights and elective franchise, the Northern District Court of the State of Georgia has authority:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote;

(5) To exercise such other powers, not contrary to the Constitution, as are or may be given to such courts by law.

Venue is proper in this Court because all or a substantial part of the conduct and violations giving rise to the claims in the case occurred in the State of Georgia. See O.C.G.A § 14-2-510, O.C.G.A § 9-10-91, O.C.G.A § 9-10-93, O.C.G.A § 9-10-31, and O.C.G.A § 9-10-34.

This Court has personal jurisdiction over Defendant ID.ME, Inc. because Defendant ID.Me, Inc, through its agents committed the acts that are the subject matter of this lawsuit in the State of Georgia. See O.C.G.A § 14-2-510, O.C.G.A § 9-10-91, O.C.G.A § 9-10-93, O.C.G.A § 9-10-31, and O.C.G.A § 9-10-34.

This Court has personal jurisdiction over Defendant ID.Me, Inc. because Defendant ID.Me, Inc. and its agents and employees, have ongoing and systematic contacts with the State of Georgia, maintains headquarter offices in the State of Georgia, and reside in the State of Georgia, and have committed the acts that are the subject matter of this lawsuit in the state of Georgia.

Venue is proper in this Court because Defendant ID.Me, Inc.'s conducts substantial business in Fulton County, Atlanta, Georgia.

Plaintiff Raissa Djuissi Kengne has standing to bring this Complaint in Court because she will be adversely affected by the actions of the Defendant and will be subject to undue harm if Defendant does not allow Plaintiff to have access to her ID.Me account.

Accordingly, venue is proper pursuant to 28 U.S.C. § 90, 28 U.S. Code § 1391, 28 U.S. Code § 1343, and Georgia Civil Practice and Corporations, Partnerships, And Associations Code § 15-6-8, O.C.G.A § 14-2-510, O.C.G.A § 9-10-91, O.C.G.A § 9-10-93, O.C.G.A § 9-10-31, O.C.G.A § 9-10-34.

III. CERTIFICATION

Under Federal Rule of Civil Procedure 11, 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.

I agree to provide the Clerk's Office with any changes to my address where case related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

CONCLUSION

For the foregoing reasons, the referenced 2nd Final Report And Recommendation And Order issued (in relation to the Plaintiff's Original Complaint, Injunction For Relief, And Declaratory Judgment as well as the Motion for Reconsideration) should not be adopted to the extent it recommends that Plaintiff's application to proceed IFP be denied, Plaintiff's complaint be dismissed without prejudice for lack of subject matter jurisdiction and for failure to comply with a lawful order of the Court.

(Signature page follows)

Dated: August 15th, 2022

Respectfully submitted,

Raissa Djuissi Kengne
Pro Se

Mailing Address:
570 Piedmont Ave. NE #55166
Atlanta, GA 30308

Physical Address:
1280 W. Peachtree ST NW. Unit 2109
Atlanta, GA 30309

Telephone: (404) 932-1651
Email: cianeseya2022@gmail.com

State of Georgia
County of Fulton

This instrument was acknowledged before me this 15th day of August (month), 2022 (year), by Raissa Djuissi Kengne (name of signer).

✓ Personally Known
✓ Produced Identification

Type and # of ID - Driver's License # 055491430
(Seal)

Jocelyn Algarin
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 03/08/2026

(Signature Notary)

Jocelyn Algarin
Name of Notary Typed, Stamped or Printed)
Notary Public, State of Georgia

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 16th, 2022, all counsel of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court's CM/ECF system, in compliance with Local Rules, by mailing the same, certified mail with return receipt, to the address listed below.

ID.ME, INC.
COGENCY GLOBAL INC.
250 BROWNS HILL CT,
MIDLOTHIAN, VA, 23114 - 9510, USA

Respectfully submitted,

Raissa Djuissi Kengne
Pro Se

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