

DEC 24 2008

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINSEVILLE DIVISION

DANNY LANIER HANEY,)

Plaintiff,)

v.)

UNITED STATES OF AMERICA,)

Defendant.)

CIVIL ACTION FILE NO.

08 - CV - 0256

-WCO

COMPLAINT

I. INTRODUCTION

1. This action, under 18 U.S.C. § 925A(2), seeks an order that a firearm transfer to Plaintiff be approved by Defendant and a declaration that Plaintiff is not federally prohibited from possessing firearms.

II. JURISDICTION & VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(4), 28 U.S.C. § 1346(a)(2), and 28 U.S.C. § 1361.

3. Venue is proper under 28 U.S.C. § 1402(a)(1) because the United States is a Defendant and the Plaintiff resides in this District and in this Division.

III. PARTIES

4. Plaintiff is a citizen and resident of Forsyth County, Georgia and a citizen of the United States.
5. Defendant is the United States of America.

IV. FACTUAL BACKGROUND

6. In 2006, Plaintiff attempted to purchase a firearm from Sullivan's Classic Arms and Militaria in Cumming, Georgia.
7. As a federally-licensed firearms dealer, Sullivan's was required under 18 U.S.C. § 922(t) to run a background check on Plaintiff using the National Instant Criminal Background Check System ("NICS"), which is operated by the Federal Bureau of Investigation (an agency of Defendant), before transferring the firearm to Plaintiff.
8. Defendant initially denied the transfer.
9. Upon appeal by Plaintiff, Defendant approved the transfer.
10. In 2008, Plaintiff attempted to purchase a firearm from Ottley Properties, Inc. in Atlanta, Georgia.
11. As a federally-licensed firearms dealer, Ottley Properties was required under 18 U.S.C. § 922(t) to run a NICS check on Plaintiff before transferring the firearm to Plaintiff.
12. Defendant initially denied the transfer pursuant to 18 U.S.C. § 922(t).
13. Upon appeal by Plaintiff, Defendant again denied the transfer pursuant to 18

U.S.C. § 922(t).

- 14 . In its appeal denial letter, Defendant asserted that Plaintiff is “federally prohibited from possession any firearm.”
- 15 . No events have occurred between the 2006 approval on appeal and the 2008 denial that would render Plaintiff ineligible to receive a firearm under federal law.
- 16 . Plaintiff is not prohibited from receiving or possessing a firearm pursuant to 18 U.S.C. § 922(g) or (n).
- 17 . Plaintiff would like to possess firearms but is in fear of arrest and prosecution for doing so because Defendant has asserted that it would be a federal crime for Plaintiff to do so.

Prayer for Relief

Plaintiffs demand the following relief:

- 18 . An order pursuant to 18 U.S.C. § 925A requiring Defendant to approve the transfer.
- 19 . A declaration that Plaintiff is not federally prohibited from possessing firearms.
- 20 . Costs of bringing and maintaining this action, including reasonable attorney’s fees.
- 21 . Any other relief the Court deems proper.

JOHN R. MONROE,


/s/ John R. Monroe

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