

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF GUAM

Clifford Ray Hackett, individually and on behalf of all homeless individuals in Guam,

Plaintiff,

v.

James Moylan, Attorney General of Guam,

Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

1. This action challenges the policy implemented by Attorney General James Moylan criminalizing homelessness and panhandling as a violation of the constitutional rights of the homeless population in Guam, including the Plaintiff.

2. The policy unjustly penalizes individuals for their socio-economic status while ignoring practical, cost-effective, and humane alternatives, such as tiny home initiatives.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction) and 42 U.S.C. § 1983 (civil rights violations).

4. Venue is proper in this Court under 28 U.S.C. § 1391, as the events giving rise to this action occurred in Guam.

III. PARTIES

5. Plaintiff: Clifford Ray Hackett is a resident of Guam acting on behalf of himself and all homeless individuals in Guam affected by the Defendant's policies.

6. Defendant: James Moylan is the Attorney General of Guam, responsible for enforcing policies that directly impact the homeless population.

IV. FACTUAL ALLEGATIONS

7. Attorney General James Moylan has implemented policies targeting panhandling and homelessness, effectively criminalizing poverty.

8. These policies have resulted in the displacement, arrest, or harassment of homeless individuals without providing sustainable solutions such as affordable housing.

9. The Defendant's approach disproportionately harms vulnerable populations and wastes public resources by funding short-term, ineffective fixes such as temporary housing in hotels.

10. Tiny homes or other affordable housing solutions could provide long-term benefits at a fraction of the cost, yet the Defendant has failed to explore or implement these options.

## V. CLAIMS FOR RELIEF

### Count 1: Violation of the Eighth Amendment (Cruel and Unusual Punishment)

11. Criminalizing homelessness and panhandling constitutes cruel and unusual punishment under the Eighth Amendment, as it penalizes individuals for their status rather than any criminal act.

### Count 2: Violation of the Fourteenth Amendment (Equal Protection Clause)

12. The Defendant's policies discriminate against homeless individuals, treating them as a separate class without addressing the systemic causes of their condition.

### Count 3: Violation of the Fourteenth Amendment (Due Process Clause)

13. The policies deprive homeless individuals of their fundamental rights to personal liberty and dignity without due process of law.

### Count 4: Waste of Public Resources

14. The Defendant has misused public funds by investing in short-term solutions that do not address the root causes of homelessness, neglecting cost-effective alternatives such as tiny homes.

## VI. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare the Defendant's policies targeting homelessness and panhandling unconstitutional under the Eighth and Fourteenth Amendments.
2. Issue an injunction prohibiting the enforcement of policies criminalizing homelessness and panhandling.
3. Require the Defendant to explore and implement sustainable housing solutions, such as tiny home initiatives, as an alternative to criminalization.
4. Award attorney's fees and costs under 42 U.S.C. § 1988.
5. Grant any other relief the Court deems just and proper.

## VII. JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

DATED: January 6, 2025

Respectfully submitted,]

Clifford Ray Hackett

Plaintiff, Pro Se