

Gursant Singh Khalsa  
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Yuba City California 95991  
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**FILED**

MAR 12 2013

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

213 - CV - 493 MCE KJN PS

GURSANT SINGH KHALSA,

Case No.

Plaintiff,

v.

THE STATE OF CALIFORNIA and  
GOVERNOR JERRY BROWN,

Defendants.

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**COMPLAINT**

**COMES NOW** the Plaintiff, Gursant Khalsa, “PRO SE”, and complains of the Defendants as follows:

**THE PARTIES**

1. Plaintiff Gursant Singh Khalsa is a natural person and a citizen of the United States, residing in Yuba City, in the County of Sutter, California. Mr. Khalsa is a devotee of Sikhism, or a practitioner of the Sikh religion.
2. Defendant State of California is a sovereign state of The United States of America, subject to the Constitution and laws of the United States and governed by it’s own Constitution of the State of California.
3. Defendant Jerry Brown is the Governor of the State of California, and as such is responsible for executing and administering California’s laws, customs, practices, and policies. In that capacity, Mr. Brown is presently enforcing the laws, customs, practices and policies complained of in this action, and is sued in both his individual and official capacities.

## JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, 2201, 2202 and 42 U.S.C. § 1983.
5. Venue lies in this Court pursuant to 28 U.S.C. § 1391.

## STATEMENT OF FACTS

6. Sikhism is a monotheistic religion founded during the 15th century in the Punjab region, by Guru Nanak, followed by ten successive Sikh Gurus (the last teaching being the holy scripture *Siri Guru Granth Sahib*). It is the fifth-largest organized religion in the world. Today there are approximately 30 million Sikhs. Sikhism has a martial history dating back to the time of Sixth Guru, Guru Har Gobind. The succeeding Gurus maintained a fighting force. The Tenth Guru, Guru Gobind Singh, created the Khalsa warrior order of saint soldiers to stand up to oppressive tyranny and injustice. Decrees from the Tenth Sikh Guru state in the most vigorous and clear words that a Sikh's conception of God is the sword of *dharma*. **Not only the sword but every weapon became an attributive symbol of God for Sikhs.**

"I salute the weapons of all Names ||  
I salute the Arms of all Kinds ||"  
Guru Gobind Singh Ji, Sri Dasam Granth Sahib

The Sikhs, although finally conquered, battled the British to a standstill in the Anglo Sikh wars (1845-1849). In the 20<sup>th</sup> & 21<sup>st</sup> centuries, Sikhs have maintained a distinguished service record in the armed forces of the United States, UK, Canada and India. To this day Sikhs are required to be prepared at all times to fight to defend themselves and others against injustice.

7. Mainstream Sikh doctrine since the time of Guru Gobind Singh requires that Sikhs be at all times FULLY prepared to defend themselves and others against injustice. Some splinter groups attempt this by wearing symbolic miniature daggers in their turbans, to comply with this requirement. But mainstream Sikhs believe that the requirement is a literal and true moral duty. As Guru Gobind Singh instructed his Sikhs; "Without uncut hair and weapons do not come before me".

8. Sikh doctrine requires that all Sikhs refrain from cutting their hair, and they are required to wear turbans and weapons. Because of this requirement, Sikhs are often targeted and attacked by bigots and white supremacists in the United States.

10. Subsequent to 9/11, hate crime attacks by bigots and white supremacists in the United States have accelerated, because the ignorant see Sikhs' turbans and mistake them for Talibanis, with whom the United States has been at war for over ten years.

11. The Plaintiff and a host of other U.S. Sikhs have received constant death threats since 9/11. One example is a "post" Gursant received on YouTube in response to a video he posted entitled "Sikhs should be allowed to join U.S. Army to stop racist attitudes in military & deter hate crimes." The response reads as follows:

"The problem is mr white taliban... we trying to kill the guys with a towel on their head and we just cant be having dudes with towels on their head running around with guns. It's like going to war with Japan, and not allowing japanese in the military. Pretty common sense." <http://www.youtube.com/watch?v=TqdO6s-vgyo>

12. On February 13, 2013, 46-year-old Kanwaljit Singh was shot multiple times as he drove his car on Dunlawton Bridge in Port Orange Fl. His 13 year old son was with him. Singh was shot for no other reason than that he was wearing a turban.

13. On August 6, 2012, gunman Wade Michael Page, wearing a "9/11" tattoo on his arm, attacked a Sikh temple in suburban Milwaukee, Wisconsin, killing six Sikhs and injuring several other Sikhs. Wade was a member of the white power rock group "End Apathy." Wade was shot by a policeman, but Wade was wearing body armor and Wade shot the policeman fifteen times, wounding him in the neck. Another officer arrived and killed Wade, but not before Wade killed six Sikhs. Wade used a semi-automatic firearm with a high capacity magazine which held 30 rounds. If Sikhs, Wade attacked, had been armed with weapons equal to Wade's, they could have stopped him before he killed so many.

14. There have been many other deadly attacks on American Sikhs since 9/11.

15. Plaintiff Gursant Khalsa is an expert marksman, former competitor in US Olympic Shooting Team try-outs, and patriotic American citizen, whose father fought in World War II. Gursant believes that the Sikh victims described above could have stopped the killers and deterred others if they had been properly armed in conformance with Sikh doctrine. Gursant alleges that the Second Amendment right to bear arms was for the purpose of allowing loyal Americans to defend themselves against injustice (as also required by Sikh religious doctrine). Gursant alleges that the California laws complained of herein deprive him of his First Amendment right to practice his religion and of his Second Amendment right to keep and BEAR arms. As Wayne LaPierre, NRA's executive vice president recently stated: "The only thing that stops a bad guy with a gun is a good guy with a gun,"

16. California law provides: It is a felony for any person to...import into California, or keep ...an assault weapon... (Penal Code § 12280.)... The term *assault weapon* means:... A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and any one of the following:... A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds... A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:... A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

17. Plaintiff's and other Sikhs' religious beliefs, Second Amendment rights, and ability to effectively defend themselves against assault by well armed killers are rendered meaningless while they are prohibited from being at least as well armed as potential attackers.

18. For example, Wade Michael Page was wearing body armor and used a handgun with a high capacity magazine which held 30 rounds. A victim who did not have a semi-automatic firearm with a high capacity magazine of 30 rounds or more would be unable to stop Page. Gursant Khalsa submits that Americans have the right and freedom to bear arms, which are effective in a modern context.

19. Moreover, *California Firearms Laws 2007*, provides: It is unlawful to carry a loaded firearm on one's person or in a vehicle while in any public place, on any public street, or in any place where it is unlawful to discharge a firearm.(Penal Code § 12031 (a) (1).)

20. Again, Gursant Khalsa submits that the Second Amendment right to keep and bear arms encompasses the right to be reasonably armed in places and at times in which he and other Sikhs are most likely to be attacked--in his home, on the streets, and in his temple. And by "reasonably armed" Gursant Khalsa means armed with a weapon loaded with a magazine that has more than a 10 round capacity. Mr Khalsa's religious beliefs require no less.

21. Mr. Khalsa fears arrest, criminal prosecution, incarceration, and fine if he were to possess loaded weapons with 11 or more round magazines within his home, within his vehicle on the streets, and within his temple. But his religious beliefs require no less.

22. The Second Amendment to the United States Constitution provides: "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

23. The Fourteenth Amendment to the United States Constitution provides, in pertinent part: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

**FIRST CAUSE OF ACTION –BAN ON POSSESSION OF SEMI-AUTOMATIC  
WEAPONS, RIGHT TO KEEP AND BEAR ARMS, U.S. CONST., AMENDS. II  
AND XIV, 42 U.S.C. § 1983**

24. Paragraphs 1 through 23 are incorporated as though fully stated herein.

25. The First and Second Amendment rights are incorporated as against the states and their political subdivisions pursuant to the Due Process Clause of the Fourteenth Amendment.

26. The First Amendment right to freedom of religion and the Second Amendment right to keep and bear arms are privileges and immunities of United States citizenship which, pursuant to the Fourteenth Amendment, states may not violate.

27. Semi-automatic weapons, are “arms” whose possession by law-abiding adult citizens are protected by the Second Amendment right to keep and bear arms.

28. By banning these weapons, Defendants currently maintain and actively enforce a set of laws, customs, practices, and policies under color of state law which deprive individuals, including the Plaintiff, of his right to keep and bear arms, in violation of the First, Second and Fourteenth Amendments to the United States Constitution. Plaintiff is damaged in violation of 42 U.S.C. § 1983. Plaintiff is therefore entitled to declaratory and permanent injunctive relief against continued enforcement and maintenance of Defendants’ unconstitutional customs, policies, and practices.

**SECOND CAUSE OF ACTION – FREEDOM OF RELIGION,  
U.S. CONST., AMENDS. I, II AND XIV, 42 U.S.C. § 1983**

29. Paragraphs 1 through 28. are incorporated as though fully stated herein.

30. By denying Plaintiff’s right to practice his religion by exercising his right to bear arms, Defendants currently maintain and actively enforce a set of laws, customs, practices, and policies under color of state law which deprive individuals, including the Plaintiff, of his right to equal protection of the laws, in violation of the Fourteenth Amendment to the United States Constitution. Plaintiff is thus damaged in violation of 42 U.S.C. § 1983. Plaintiff is therefore entitled to declaratory and permanent injunctive relief against continued enforcement and maintenance of Defendants’ unconstitutional customs, policies, and practices.

**PRAYER FOR RELIEF**

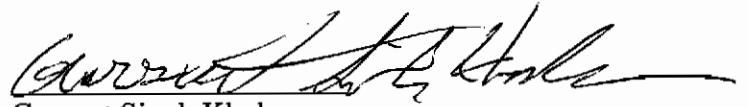
Plaintiff requests that judgment be entered in his favor and against Defendants as follows:

1. An order permanently enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing California laws which sanction law abiding citizens for possessing and bearing unconcealed “semi-automatic” loaded firearms in such places as they choose.
2. Attorney Fees and Costs pursuant to 42 U.S.C. § 1988;
3. Declaratory relief consistent with the injunction;
4. Costs of suit; and

5. Any other further relief as the Court deems just and appropriate.

Dated: March 12th, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gursant Singh Khalsa", written in a cursive style.

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