

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

GREGORY MICHAEL LEDET

\_\_\_\_\_

Plaintiff,

V.

UNITED STATES OF AMERICA  
C/O Office of the Attorney General  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Defendant.

COMPLAINT  
(18 USC §925A)

Comes now the Plaintiff, by and through undersigned counsel, and alleges  
as follows:

## PARTIES

1. Plaintiff, Gregory M. Ledet (“Ledet”) is an adult male citizen of the State of Ohio.
2. Defendant United States of America (“USA”) is a jural entity.

## JURISDICTION AND VENUE

3. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §1331 and §1346, and 18 U.S.C. §925A, since the United States is the Defendant and the case arises under the Constitution and laws of the United States.

4. Venue is proper under 28 U.S.C. §1391(b)(1).

### **STATEMENT OF FACTS**

5. 18 U.S.C. §922(g)(1) provides that:

“It shall be unlawful for any person-- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

\*\*\*

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

6. 18 U.S.C. §921(a)(20) provides that:

The term “crime punishable by imprisonment for a term exceeding one year” does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

7. On February 27, 2016, Plaintiff attempted to purchase a firearm. Plaintiff's NICS check came back denied. Plaintiff requested from the FBI why he was denied on or about March 4, 2016. See Exhibit "A."

8. On or about March 7, 2016, Plaintiff received a response from FBI that alluded that he was a prohibited person pursuant to 18 U.S.C. §922(g)(1) and 18 U.S.C. §921(a)(20). See Exhibit "B."

9. After receiving the reason for denial, Plaintiff contacted the Louisiana State Police to have his records updated. Plaintiff also contacted the Terrebonne Parish Clerk of Court in Louisiana who then faxed the records to the Louisiana State Police ("LSP") and LSP updated its records.

10. After confirmation from LSP that the records had in fact been updated, Plaintiff contacted NICS to have them recheck the background and see if a transaction for a firearm would proceed.

11. NICS would not recheck his background, so Plaintiff made a second purchase attempt on March 17, 2016. That transaction was denied. Plaintiff filed a second appeal with NICS, but unbeknownst to him, NICS stopped processing appeals and Plaintiff is now unable to correct the records to prove that he is not prohibited under the laws cited in Exhibit "B."

12. Plaintiff then filed another NICS appeal on or about April 4, 2016, which has gone unanswered. See Exhibit "C."

13. As seen in the attached dispositions of the alleged prohibiting offenses, they were amended to misdemeanors and are not prohibiting offenses. See Exhibit “D.”

14. In fact, the FBI actually requested from the Clerk of Terrebonne Parish the underlying claimed prohibiting offense paperwork and was provided that information as early as December 18, 2002. See Exhibit “E.”

15. Upon information and belief, the Clerk of Terrebonne Parish sent information relating to Plaintiff again to the FBI in January 2003.

16. Under 28 C.F.R. § 25.10, the FBI has an obligation to verify the record correction with the originating agency and take all necessary steps to correct the record in NICS. This is not a discretionary duty.

17. On January 20, 2016, USA Today reported that the FBI is halting “the processing of thousands of appeals from prospective buyers whose firearm purchase attempts have been denied.”<sup>1</sup>

18. As NICS no longer processes appeals, Plaintiff has exhausted his administrative remedies.

### **COUNT I**

19. Plaintiff realleges paragraphs 1 through 18 as if fully stated herein.

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<sup>1</sup> <http://www.usatoday.com/story/news/nation/2016/01/19/fbi-guns-background-checks/78752774/?siteID=je6NUbpObpQ-BbTAhOhBe3xFiZr6NOLwLQ> (last accessed May 8, 2016).

20. 18 U.S.C. § 925(a) provides

Any person denied a firearm pursuant to subsection (s) or (t) of section 922—

(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

(2) who was not prohibited from receipt of a firearm pursuant to subsection (g) or (n) of section 922,

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

21. Plaintiff requests that an order directing the erroneous information be corrected and the transfer be approved.

22. Plaintiff also requests attorney's fees and costs associated with this case be granted as Defendant could easily correct its records but has refused to do so and will not process appeals.

**WHEREFORE**, Plaintiff respectfully requests that the Court:

(1) Order Defendant to correct its records on Plaintiff to reflect that he is not forbidden to purchase, receive, or possess a firearm; and

(2) That Plaintiff be awarded his costs and attorney's fees.

Dated: May 8, 2016

Respectfully Submitted,

GREGORY M. LEDET

**/s/ Stephen D. Stamboulieh**

Stephen D. Stamboulieh

Stamboulieh Law, PLLC

P.O. Box 4008

Madison, MS 39130

(601) 852-3440

[stephen@sdslaw.us](mailto:stephen@sdslaw.us)

DC District Court Bar# MS0009

*Counsel for Plaintiff*



## Forms

[Home](#) • [NICS Appeal Request Form](#) • [Process Complete](#)

### Thank you, your appeal has been successfully submitted.

The AST will respond to your initial appeal request by providing you with the general reason for denial within five business days.

If you have additional information (e.g., court documentation) to assist the AST in correcting or updating your record, you may mail it to:

Federal Bureau of Investigation  
Criminal Justice Information Services Division  
National Instant Criminal Background Check System Section  
Appeal Services Team, Module A-1  
Post Office Box 4278  
Clarksburg, WV 26302-4278

### **Please ensure any additional correspondence/submissions contain your NTN or STN.**

In cases involving criminal history records, if fingerprints are not submitted along with your initial appeal request, you may subsequently be **required** to submit your fingerprints to establish positive proof of your identity.

For additional appeal questions, please contact the NICS Section's Customer Service at 1-877-FBI-NICS (324-6427).

I wish to request the reason for my denial.

1

First  
Gregory

Middle  
Michael

Last  
Ledet

Cadence

State of Purchase:  
Ohio

NTN/STN 1

[REDACTED]

NTN/STN 2

NTN/STN 3

NTN/STN 4

NTN/STN 5

NTN/STN 6

NTN/STN 7

NTN/STN 8

NTN/STN 9

NTN/STN 10

Address Line 1

[REDACTED]

Address Line 2

City

[REDACTED]

State  
Ohio

Zip  
43065

Telephone Number:

Exhibit "A"

E-Mail Address:

Appellant Questions/Concerns:

I would like to know the reason for my denial. I have thoroughly read the instructions on the 4473, even contacting NCIS customer support to verify information, and I do not believe that I am a prohibited person. The only possible thing that could come up would be a 1997 case, Terrebonne Parish Louisiana docket number 303995, but that case should not preclude me from purchase or ownership of a firearm.

Attachment 1

No Input

Attachment 2

No Input

Attachment 3

No Input

Attachment 4

No Input

Captcha

x

This form has been submitted.





U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306  
March 7, 2016

Mr. Gregory Michael Ledet  
[REDACTED]

SUBJECT: Firearm Appeal  
National Instant Criminal Background Check  
System (NICS) Transaction  
Number (NTN)- [REDACTED]

Dear Mr. Ledet:

This letter is in response to your inquiry concerning your NICS transaction identified above. A search resulting in a "deny" indicates the subject of the background check matches a prohibiting record containing a similar name and descriptive feature(s). The reason for denial is under the following prohibition:

- Title 18, United States Code, Sections 921(a)(20) and 922(g)(1): A person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year or any state offense classified by the state as a misdemeanor and is punishable by a term of imprisonment of more than two years.

If you have not supplied this information already and you wish to challenge the accuracy of the denial, you may submit certified court documents pertaining to the prohibiting record, or you may submit a set of your rolled fingerprints. A downloadable fingerprint card is available at [www.fbi.gov/nics-appeals](http://www.fbi.gov/nics-appeals) and may be submitted to the FBI Criminal Justice Information Services Division, National Instant Criminal Background Check System Section, Appeal Services Team, Post Office Box 4278, Clarksburg, West Virginia 26302-4278. The documents submitted will not be returned.

Please be sure to include your NTN with your fingerprint card and documentation. Failure to do so will only delay your request.

NICS Section  
CJIS Division

Exhibit "B"



## Forms

[Home](#) • [NICS Appeal Request Form](#) • [Process Complete](#)

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If you have additional information (e.g., court documentation) to assist the AST in correcting or updating your record, you may mail it to:

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Appeal Services Team, Module A-1  
Post Office Box 4278  
Clarksburg, WV 26302-4278

### ***Please ensure any additional correspondence/submissions contain your NTN or STN.***

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I wish to request the reason for my denial.

1

First  
Gregory

Middle  
M.

Last  
Ledet

Cadence

State of Purchase:  
Ohio

NTN/STN 1

[REDACTED]

NTN/STN 2

NTN/STN 3

NTN/STN 4

NTN/STN 5

NTN/STN 6

NTN/STN 7

NTN/STN 8

NTN/STN 9

NTN/STN 10

Address Line 1

[REDACTED]

Address Line 2

City

[REDACTED]

State  
Ohio

Zip  
43065

Telephone Number:

Exhibit "C"

Telephone Number:

[REDACTED]

E-Mail Address:

[REDACTED]

Appellant Questions/Concerns:

Attachment 1

image/png: 9573320 bytes

Attachment 2

application/pdf: 1149502 bytes

Attachment 3

No Input

Attachment 4

No Input

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x

This form has been submitted.



SCANNED

ARR: 10-11-05 "A"

GEORGE J. LARKE, JR.  
JUDGE - DIVISION "A"

No. 462,006 DSF

32<sup>ND</sup> JUDICIAL DISTRICT COURT

PARISH OF TERREBONNE

STATE OF LOUISIANA

VS.

GREGORY MICHAEL LEDET  
W/M DOE

INFORMATION FOR

COUNT ONE: COMPUTER FRAUD  
COUNT TWO: THEFT OVER \$500

Filed

10/11/05 5 2005  
Per Clerk  
Dy Clerk

ARREST

SCANNED

Thief under 300  
Thief over 500  
Per Clerk  
10/11/05  
Justice  
1/12/06

"I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of defendant, and that they were placed thereon by said defendant this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_."

TERREBONNE PARISH SHERIFF'S OFFICE

CRIME LAB

I HEREBY CERTIFY THAT:

The accused has made bond on the charge  
on 8-18-05  
OCT 05 2005

Shannon J. Bergeron  
Dy. Clerk of Court  
Parish of Terrebonne, LA

A TRUE COPY OF THE ORIGINAL  
CLERK'S OFFICE, HOUMA

LA. March 16, 20 16  
BY Shannon J. Bergeron  
Clerk of Court

-WEDNESDAY, FEBRUARY 13TH, 2008-

On Wednesday, February 13th, 2008, pursuant to adjournment, Court met at the Courthouse in the City of Houma, Louisiana, at 9:10 o'clock a.m.

Present: His Honor George J. Larke, Jr., Judge, Division "A", presiding.

STATE OF LOUISIANA  
VS  
GREGORY M LEDET

CASE #: 05-FELY-462006

CHARGE:  
COUNT 1: THEFT UNDER 300 (AS AMENDED)  
COUNT 2: THEFT UNDER 300 (AS AMENDED)

The Rule to Show Cause Why Probation Should Not Be Revoked was this day called.  
The Court ordered rule terminated satisfactory.

A true copy hereof of the minutes of the 12nd Judicial  
District Court Dated 2-13-08  
In testimony whereof, witness my hand and official  
seal, this 16th day of March, 2016  
at Houma, Louisiana.  
Division A, Judge Larke presiding.  
Theresa A. Robinson  
Deputy Clerk of Court



**CHARGE: COUNT NO. 1 – COMPUTER FRAUD  
COUNT NO. 2 – THEFT OVER \$500**

The accused, Gregory Michael Ledet, was called before the bar of the Court and appeared in the presence of his attorney, Mr. Alexander L. Doyle of the Indigent Defenders Board, and in the presence of the Assistant District Attorney, Mr. Matthew H. Hagen.

The Assistant District Attorney amended the Bill of Information to charge the accused with the crimes of Count No. 1 "Theft Under \$300", and Count No. 2 "Theft Under \$300".

The accused, in the presence of his attorney, was duly re-arraigned and tendered pleas of "Guilty" to Count No. 1 "Theft Under \$300" as amended; and Count No. 2 "Theft Under \$300" as amended.

Whereupon, after having had his say, the accused was sentenced to the following, to-wit:

Count No. 1 – That the accused be imprisoned in the Parish Jail for a period of six (6) months, to be served day for day, and to pay a fine of \$500.00 and costs of Court, jail term suspended upon the payment of the fine and costs.

Further, the Court ordered that the accused be placed on supervised probation with the District Attorney's Office for a period of twenty-four (24) months, subject to the following, special conditions, to-wit:

1. That he pay a \$25.00 enrollment fee to the District Attorney's Office, and report to said office within twenty-four hours of today.
2. That he pay \$25.00 per month to the District Attorney's Office to defray costs of supervision.
3. That he attend Effective Decision Making classes.
4. That he attend the Money Smart Class.
5. That he write a letter of apology to the victims, as listed on the Bill of Information, and said letter are to be written within thirty day.
6. That he commit no crimes.
7. That he pay restitution in the amount of \$5,845.00, made payable in twenty (20) equal monthly installments, with the first payment due thirty days from today. (Total restitution for Count Nos. 1 and 2).
8. That he remain gainfully employed, for at least a forty hour per work week.
9. That he \$175.00 to the Office of the Indigent Defenders.

Count No. 2 – That the accused be imprisoned in the Parish Jail for a period of six (6) months, to be served day for day, and to pay a fine of \$500.00 and costs of Court, jail term suspended upon the payment of the fine and costs.

Further, the Court ordered that the accused be placed on supervised probation with the District Attorney's Office for a period of twenty-four (24) months, subject to the following, special conditions, to-wit:

1. That he pay a \$25.00 enrollment fee to the District Attorney's Office, and report to said office within twenty-four hours of today.
2. That he pay \$25.00 per month to the District Attorney's Office to defray costs of supervision.
3. That he attend Effective Decision Making classes.
4. That he attend the Money Smart Class.
5. That he write a letter of apology to the victims, as listed on the Bill of Information, and said letters are to be written within thirty day.
6. That he commit no crimes.
7. That he pay restitution as listed in Count No. 1.
8. That he remain gainfully employed, for at least forty hour per work week.
9. That he \$175.00 to the Office of the Indigent Defenders.

Further, the Court ordered that the jail terms in Count Nos. 1 and 2 are to run consecutive, and that the fines, costs of Court, Office of the Indigent Defenders Board's fees, and the probationary terms and conditions are to run concurrent.

Further, the Court ordered that the accused pay the fines and costs of Court within ninety days, and that he provide the Court with a receipt showing proof of payment by April 12, 2006, at 3:00 o'clock p.m.

The Court then handed the accused written instruction on how to enroll in said program.

A true copy hereof of the minutes of the 32nd Judicial  
District Court Dated 1-12-06  
In testimony whereof, witness my hand and official  
seal, this 16th day of March, 2016  
at Shreveport, Louisiana.  
Division A, Judge Lorke presiding.  
Sharon S. Robinson  
Clerk of Court



ARR: 11-16-98 DIV: "E"

No. 319,403

32ND JUDICIAL DISTRICT COURT

PARISH OF TERREBONNE

STATE OF LOUISIANA

VS.

GREGORY MICHAEL LEDET

W/M DOB: [REDACTED]

INFORMATION FOR

*thft under \$100 -*  
*FORGERY*  
*11/3/98*

FILED NOV 13 1998  
*[Signature]*  
Clerk

ARREST

I HEREBY CERTIFY THAT:

☐ The accused has not made bond on the charge and remains in custody.

☒ The Clerk has searched diligently, and has been unable to find an appearance bond.

NOV 13 1998

*Patricia D. Chauvin*

Deputy Clerk of Court  
Parish of Terrebonne  
Houma, Louisiana

I HEREBY CERTIFY THAT:

1) The accused has made bond on the charge

on *11/20/2004*

*Patricia D. Chauvin*

Dy. Clerk of Court  
Parish of Terrebonne, La.

Terrebonne Parish Sheriff's Office  
Crime Lab

by said defendant this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_

"I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of defendant, and that they were placed thereon

I HEREBY CERTIFY THAT:

1) The accused has made bond on the charge

on *1-6-05*

*Patricia D. Chauvin*

Dy. Clerk of Court  
Parish of Terrebonne, La.

A TRUE COPY OF THE ORIGINAL  
CLERK'S OFFICE, HOUMA

LA. *Nov 14, 2014*  
BY *Patricia D. Chauvin*  
Clerk of Court

319403 - STATE OF LOUISIANA VS. GREGORY MICHAEL LEDET

CHARGE: FORGERY

This matter was called in the presence of the accused and his attorney, Mr. Eldon R. Harrall, Jr. of the Indigent Defender Board, and the Assistant District Attorney, Mr. Carlos E. Lazarus, Jr.

The Assistant District Attorney amended the Bill of Information to charge the accused with the crime of "Theft Under \$100.00".

The Court ordered that the trial set for March 15, 1999 be continued to March 19th, 1999, at 9:00 o'clock a.m., in Division "A", without further notice.

A true copy hereof of the minutes of the Court shall  
be filed with the Clerk of Court on 3-9-99  
by the undersigned, witness my hand and official  
seal this 16th day of March, 2014  
in New Orleans, Louisiana.  
Division A Judge Andrew P. Boudry presiding.  
Sharon S. Buchanan  
Clerk of Court





**CHARGE: THEFT UNDER \$100**

The accused was called before the bar of the Court in the presence of his attorney, Mr. Eldon R. Harrall, Jr. of the Indigent Defender Board, and in the presence of the Assistant District Attorney, Mr. Mark D. Rhodes.

Counsel for the accused waived the formal reading of the Bill of Information and upon being duly re-arraigned, said accused tendered a plea of "Guilty" to the amended charge.

Whereupon, after having had his say, the Court sentenced the accused to be imprisoned in the Parish Jail for six (6) months and to pay a fine of \$350.00 and costs of Court.

Further, the Court ordered that the execution of the above sentence be suspended and the accused is placed on supervised probation with the District Attorney's Office for a period of eighteen (18) months, subject to the following special conditions, to-wit:

1. That he commit no crimes.
2. That he pay the fine and costs.
3. That he pay \$150.00 to the Indigent Defender Board through the District Attorney's Office.
4. That he make restitution to Gayle Ledet in the sum of \$2400.00 during probation.
5. That he not go to the residence of Gayle Ledet except for the return of his personal property and unless with a Sheriff's Deputy or City Police Officer and that he have no contact with her.
6. That he pay \$25.00 per month to the probation office.

The accused was given instructions on how to enroll in the probation and a copy of same was filed.

The Court ordered that the fine is to be paid by March 22, 1999, at 4:00 o'clock p.m.

A true copy hereof of the minutes of the 12th Judicial  
 District Court Dated 3-18-99  
 In testimony whereof, witness my hand and official  
 seal, this 16th day of March, 2016  
 at New Orleans, Louisiana.  
 Division A, Judge Gaildry presiding.  
Shirley A. Lichauy  
 Deputy Clerk of Court

FBI No. 213693XA3

Name on fingerprint Card Submitted to FBI  
Last First Middle  
**LEDET, GREGORY**

Date of Birth [REDACTED] Sex **M**

Fingerprint  
Classification  
From FBI 1-B Response  
State Bureau No. (SID) Social Security No. (SOC)  
**UNKNOWN** [REDACTED]

Contributor of Fingerprints (include complete name and location of agency together with ORI number.)  
**SHERIFF'S OFFICE HOUMA**

**LA0550000**

Arrest No. (OCA) Date Arrested or Received  
**00052596 10/19/1998**

Final Disposition & Data  
(If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)

#319403-FORGERY (AMENDED TO THEFT UNDER \$100  
ON 3/9/99-  
3/18/99-PLEAD GUILTY & SENTENCED TO 6 MONTHS  
PARISH JAIL & \$350.00 & COSTS, SUSPENDED AND  
PLACED ON 18 MONTHS SUPERVISED PROBATION WITH  
CONDITIONS.

This Form Submitted By:  
(Name, Title, Agency, ORI No., City & State)

**Clerk of Court**  
**P.O. Box 1569**  
**Houma, LA 70361-1569**

*Pamela D. Beauchamp* 12/18/02  
Signature Date  
**DEPUTY CLERK OF COURT**  
Title

☐ COURT ORDERED EXPUNGEMENT:  
Certified or Authenticated Copy of Court Order Attached.

Offenses Charged at Arrest  
**CHARGE 1-FORGERY amended to theft u/\$100 (misd.)**

**PLEASE ADVISE TO CONVICTION LEVEL?**

**THANK YOU**  
**ENDICOTT 4451**  
**BROSCIUS/SUPERVISOR**

9999284451