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FILED
United States District Court
Denver, Colorado

MAY 24 1965

G. WALTER BOWMAN
CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

BY _____
DEP. CLERK

JOHN J. KING,)
)
Plaintiff)
)
v.)
)
NICHOLAS deB. KATZENBACH,)
Attorney General of the)
United States,)
)
Defendant.)

Civil Action No. _____

C O M P L A I N T

JOHN J. KING, plaintiff, complaining of defendant,
NICHOLAS deB. KATZENBACH, Attorney General of the United States,
alleges:

1. Plaintiff is a citizen of the State of Colorado, residing at 27 Sunset Drive, Englewood, Colorado. Defendant is, and has been at all times since prior to February 1, 1965, the Attorney General of the United States, duly qualified and acting as such, and is a citizen of the District of Columbia.

The matter in controversy exceeds, excluding all interest and costs, the sum of Ten Thousand Dollars (\$10,000). This court has jurisdiction of this action because of the diversity of citizenship of the parties and also, in the alternative, under the Act of October 5, 1962, 76 Stat. 744, United States Code, Title 28, Sec. 1361.

2. Under the provisions of United States Code, Title 28, Sec. 1391, as amended by the Act of October 5, 1962, 76 Stat. 744, this action is properly brought in this judicial district, such district being the district in which the plaintiff resides, and the summons and complaint may be served by delivering same to

the defendant by certified mail beyond the territorial limits of this judicial district.

3. Plaintiff is the owner of the following described personal property:

RIFLE: Caliber 6.5 mm. Mannlicher-Carcano Italian military rifle, Model 91/38, serial number C2766, with attached 4-power telescopic sight stamped "Ordnance Optics Inc.," "Hollywood California," together with two-piece sling strap and cartridge clip marked "SMI" "952," as more fully described on pages 553 through 555 of Appendix X, Report of the President's Commission on the Assassination of President Kennedy, and identified as Exhibit #139 of that Commission.

REVOLVER: Caliber .38 Special Smith & Wesson Victory Model revolver, serial number V510210, as more fully described on pages 558 and 559 of Appendix X, Report of the President's Commission on the Assassination of President Kennedy, and identified as Exhibit #143 of that Commission, together with the holster for said revolver.

4. The defendant, under color of his office as Attorney General of the United States, now has, and at all times since prior to February 1, 1965, had, custody and control of the said personal property.

5. Plaintiff has heretofore requested and demanded that defendant deliver to plaintiff the above-described firearms, which are the personal property of plaintiff. Defendant does not own the above-described firearms and has no right under any law to retain such firearms in his custody, either for his own account or in his official capacity as Attorney General of the United States. Defendant has nevertheless refused and failed and continues to refuse and fail to deliver such firearms to plaintiff, and defendant threatens to withhold such firearms from plaintiff permanently. Such refusal and failure on the

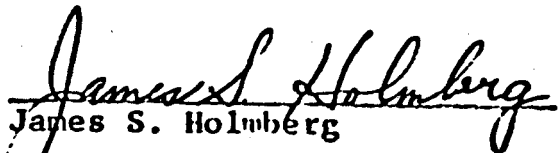
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part of defendant has deprived and continues to deprive plaintiff of his property without due process of law.

WHEREFORE, plaintiff demands:

- A. That defendant be required to deliver up to plaintiff the aforesaid firearms;
- B. That defendant pay to plaintiff the costs of this action; and
- C. That plaintiff have such other and further relief as is just.

Respectfully submitted,


James S. Holmberg

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