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Amanda Phillips

Vs.

Facebook

A17CV0884LY

Petition

This is a civil rights action brought to this court by Pro Se Plaintiff Amanda Kaye Phillips, against Facebook, Inc. In March 2017, I re-established a Facebook account after having been off of Facebook for about 2-3 years. Since being back on Facebook, I have used my account to spread awareness about issues that I feel passionate about, such as animal rights, environmentalism, women's rights, and others. I share posts on my Facebook page, comment in sections below posts on other pages, leave reviews for businesses, and communicate with politicians mostly via comments.

During my time on Facebook, I have had my comments deleted, and been blocked from Facebook pages and groups for posting comments that someone else disagreed with.

1. Williamson County Animal Shelter, and Fans of Williamson County Animal Shelter, blocked me from their Facebook page after I posted concerns on a review and in the comment section questioning why they have only a 91% save rate and still call themselves no kill, why they don't do more to market animals in their care, and why they don't use donations from the public to make the shelter better, as opposed to using the donations to reimburse the cost of their upcoming shelter expansion to the county;
2. Out the Front Door, a no kill advocacy page on Facebook, threatened to block me "from my page", and actually did block me, after I posted concerns that the no kill shelters were moving pets to rescue groups in other states near high kill animal shelters;
3. Humane Society of the United States blocked me from their Facebook page after I commented that they should not be bringing dogs rescued from dog meat farms in Asia to the US, because we have too many dogs here that get killed in shelters, and many shelters kill to make space for incoming rescue dogs;
4. Washington Post newspaper deleted critical comments I made below one of their news articles posted on their Facebook page feed,
5. Many commenters on Huffingtonpost have supported banning Donald Trump from social media, and have stated that Facebook is a private company that can do what it likes, and free speech only applies to the government.
6. A woman on the Harvey Lost Pets group following Hurricane Harvey posted and asked how best she could help animals from the hurricane. She stated that she was buying a plane ticket, flying to Houston with bags of dog food, and wanted to volunteer to help. I told her that based on the announcement Fema made regarding how to help following a tragedy is to donate money, and help animals at her local animal shelter. I stated that she should use the money she would spend on a plane ticket and hotel, to send a

money donation to Austin Pets Alive. Several people posted that my comments were inappropriate, and I was subsequently blocked from this group.

7. I posted a petition for stricter breeding laws and enforcement on the Round Rock Texas Lost and Found pets page, and one of the Williamson County Volunteers who moderates the page, removed my comments, and then blocked me from the page, after telling me that petitioning on that page was not appropriate, and was against terms of service. I read the terms of service and it said nothing about petitions.
8. Facebook banned me from posting on Facebook for 3 days following telling an Asian woman that she seemed like the dog eating kind, after she posted on the Peta comments section that eating dog was a part of Asian culture. Several people from other Asian countries told her to report me to police.

Facebook obviously was not around during the time the Constitution was written. And Facebook increasingly has a duty to maintain free speech rights by removing the right to delete other people's comments, while maintaining individuals rights to remove their own comments, by disallowing groups and business, charity, newspaper, govt or public pages to block people from posting on their pages. The best course of action for Facebook, is to remove the ability to block for people who have a business or charity page, or who moderate a Facebook group, and remove the ability to delete others' comments. Facebook should hire staff that review reported postings and remove spam, report illegal postings to authorities. Facebook also allows the sale and "rehoming" of pets on Facebook groups, despite the fact that Texas has a breed law, and a law requiring all animals to be spayed or neutered.

There seems to be a belief that free speech is only for govt, and that Facebook may do as it wishes. I am respectfully requesting the court address this issue once and for all.

Prayer

I am requesting that Facebook stop allowing pages and groups to block people and delete comments and reviews. Rather, reported spam and illegal activity should be reported to Facebook to review for removal and further involvement with authorities.

I am asking for $1,000,000.00 for the civil rights damages, and animal rights damages that have been done by Facebook allowing people to push their own agendas without open dialog and discourse. 100% of the amount of damages awarded by this action, will be donated to Austin Pets Alive. in Austin, Texas.

*Packingham vs. North Carolina, Today, the Supreme Court unanimously decided that Packingham was right. "Foreclosing access to social media altogether thus prevents users from engaging in the legitimate exercise of First Amendment rights," reads Justice Anthony Kennedy's opinion. "Even convicted criminals—and in some instances especially convicted criminals—might receive legitimate benefits from these means for access to the world of ideas, particularly if they seek to reform and to pursue lawful and rewarding lives."The decision. Justice Kennedy acknowledges, is "one of the first cases the Court has taken to address the*

*relationship between the First Amendment and the modern internet." It's a relationship that is being consistently tested, as people not only increasingly rely on social media as a core communication channel but also as courts begin using the things they say and do online against them. Packingham v. North Carolina, at least, establishes that the government can't just uniformly bar people from using expansive chunks of the internet.*
*https://www.wired.com/story/free-speech-facebook-supreme-court/*

*Davison vs. Loudon County Board of Supervisors As U.S. District Judge James C. Cacheris explained in his decision, Randall essentially conceded in court that she had blocked Davidson "because she was offended by his criticism of her colleagues in the County government." In other words, she "engaged in viewpoint discrimination," which is generally prohibited under the First Amendment. Cacheris elaborated:*
*Defendant's offense at Plaintiff's views was therefore an illegitimate basis for her actions—particularly given that Plaintiff earned Defendant's ire by criticizing the County government. Indeed, the suppression of critical commentary regarding elected officials is the quintessential form of viewpoint discrimination against which the First Amendment guards. By prohibiting Plaintiff from participating in her online forum because she took offense at his claim that her colleagues in the County government had acted unethically, Defendant committed a cardinal sin under the First Amendment.*
*http://www.slate.com/blogs/future_tense/2017/07/28/federal_court_rules_public_officials_cannot_block_social_media_users.html*

*Animal Shelter volunteers sue over Facebook comments*
*http://www.washingtontimes.com/news/2017/mar/17/animal-shelter-volunteers-file-suit-over-facebook-/*

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