

 **MODEL / TEMPLATE DOCUMENT — IMPORTANT DISCLAIMER**

This document is a **model complaint prepared for litigation preparation, academic study, and legal education purposes only**.

It does not constitute legal advice, and no attorney-client relationship is created by its use. The reader is strongly urged to consult a licensed attorney before filing any document in any court.

Several arguments contained herein — particularly those relating to "private-capacity" status, the distinction between an all-caps name and a natural person, and claims that a natural person is not a "taxpayer" subject to federal income tax — have been **repeatedly and uniformly rejected by federal courts as frivolous**, and have subjected litigants to sanctions under Fed. R. Civ. P. 11 and awards of costs against plaintiffs. *See, e.g., United States v. Bell*, 734 F. App'x 716 (11th Cir. 2018); *Lonsdale v. United States*, 919 F.2d 1440, 1448 (10th Cir. 1990); *United States v. Sloan*, 939 F.2d 499 (7th Cir. 1991). Courts have assessed attorney's fees and sanctions against plaintiffs advancing similar theories.

Where legitimate arguments exist — such as procedural challenges under 26 U.S.C. § 7433, Privacy Act record-correction claims, or *Bivens* constitutional claims arising from documented agent misconduct — those arguments are noted in context. This template is structured to allow counsel to identify, retain, or discard arguments appropriate to a specific client's facts.

UNITED STATES DISTRICT COURT
FOR THE [DISTRICT] DISTRICT OF [STATE]

[PLAINTIFF FULL NAME], a natural person, in private capacity, Plaintiff, v. [IRS AGENT FULL NAME], individually and in official capacity as an agent of the Internal Revenue Service; COMMISSIONER OF INTERNAL REVENUE, in official capacity; UNITED STATES OF AMERICA, Defendants.

**Case No.: _____
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF; IDENTITY
CORRECTION; DAMAGES
UNDER BIVENS AND 26 U.S.C. §
7433 JURY TRIAL DEMANDED
Filed: June 12, 2026**

PRELIMINARY STATEMENT

1. Plaintiff [PLAINTIFF FULL NAME], a natural person acting exclusively in private capacity (*hereinafter* "Plaintiff"), brings this action against the above-named Defendants to correct a fundamental misidentification of Plaintiff's legal status by the Internal Revenue Service ("IRS") and to obtain declaratory, injunctive, and monetary relief arising from the unlawful application of federal income tax statutes to Plaintiff's private affairs. Plaintiff is *not* a corporation, trust, artificial entity, or "taxpayer" as defined and contemplated by 26 U.S.C. § 7701, and Plaintiff has never voluntarily accepted or occupied such status in connection with the activities at issue in this complaint.

2. The IRS has, through a pattern of correspondence, notices, assessments, liens, and collection actions, treated Plaintiff as a statutory "person" subject to the federal income tax regime under Title 26 of the United States Code. The IRS records associated with Plaintiff's name and Taxpayer Identification Number identify a legal construct — a "taxpayer" entity — that Plaintiff contends is distinct from Plaintiff as a natural person acting in private capacity. Plaintiff has made timely and good-faith administrative requests to correct these records, all of which have been ignored, denied, or met with

further collection action. Plaintiff alleges that individual IRS agent Defendants have acted beyond the scope of any lawful authority over Plaintiff and in reckless disregard of Plaintiff's constitutional rights.

3. By this Complaint, Plaintiff seeks: (a) a declaratory judgment that Plaintiff, acting in private capacity, is not a "taxpayer" or "person" subject to federal income tax jurisdiction as defined in 26 U.S.C. § 7701; (b) an order compelling the IRS to correct its records pursuant to the Privacy Act, 5 U.S.C. § 552a; (c) damages under 26 U.S.C. § 7433 for unauthorized collection actions; (d) compensatory and punitive damages under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), for Fourth and Fifth Amendment violations; (e) a permanent injunction against further collection actions pending resolution of Plaintiff's identity status; and (f) return of all property seized, attorneys' fees, and costs.

JURISDICTION AND VENUE

4. Federal Question Jurisdiction. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States, including the Fourth and Fifth Amendments, 26 U.S.C. § 7433, 5 U.S.C. § 552a, and *Bivens*.

5. United States as Defendant. Jurisdiction over claims against the United States is conferred by 28 U.S.C. § 1346(a)(1) for civil actions against the United States for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, and by the applicable waivers of sovereign immunity set forth herein.

6. Declaratory Judgment Act. Plaintiff invokes the Court's declaratory judgment jurisdiction under 28 U.S.C. § 2201. Plaintiff acknowledges that 28 U.S.C. § 2201(a) excepts from declaratory relief "cases with respect to Federal taxes." However, Plaintiff contends the tax exception does not bar relief here because: (i) Plaintiff's primary claim is an *identity* claim —

whether Plaintiff constitutes the statutory "person" or "taxpayer" — rather than a challenge to the merits of any tax assessment per se; (ii) the *South Carolina v. Regan*, 465 U.S. 367 (1984), exception applies where, as here, no adequate alternative legal remedy exists to redress the constitutional injury alleged; and (iii) the Privacy Act claims for record correction are independently cognizable regardless of the tax exception. *Note to counsel: Courts have applied the tax exception broadly. This argument faces significant legal headwinds and should be carefully evaluated on the specific facts before filing.*

7. Civil Damages for Unauthorized Collection. Jurisdiction for damages arising from IRS disregard of Title 26 and regulations in collection activities is conferred by 26 U.S.C. § 7433, which provides a civil cause of action against the United States where IRS employees recklessly or intentionally, or by reason of negligence, disregard any provision of Title 26 or any regulation promulgated thereunder in connection with the collection of federal tax.

8. Bivens Jurisdiction. Claims for damages against federal officers in their individual capacities for violations of the Fourth and Fifth Amendments are cognizable under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), and its progeny. *Note to counsel: The Supreme Court has substantially curtailed the availability of Bivens claims in new contexts. See Egbert v. Boule, 596 U.S. 482 (2022). Whether a Bivens remedy extends to the IRS tax-collection context is unsettled and courts have generally declined to extend Bivens to new IRS contexts. This claim should be assessed against current Supreme Court precedent before filing.*

9. Anti-Injunction Act. Plaintiff further acknowledges 26 U.S.C. § 7421(a), which generally prohibits suits to restrain the assessment or collection of any tax. Plaintiff contends that § 7421 does not bar the injunctive relief sought here because: (i) Plaintiff is not challenging a tax as such, but rather the IRS's legal authority over Plaintiff's private-capacity

identity; and (ii) the *South Carolina v. Regan* exception and the equitable exception recognized in *Enochs v. Williams Packing & Navigation Co.*, 370 U.S. 1 (1962), apply. *Note to counsel: Courts have uniformly rejected Anti-Injunction Act exceptions in private-capacity tax protestor cases. This argument is high-risk and frequently results in dismissal.*

10. Venue. Venue is proper in this District under 28 U.S.C. § 1391(e)(1) because: (a) Plaintiff resides in this District; (b) the events and omissions giving rise to the claims occurred in substantial part in this District; and (c) Defendants, as federal officers and agencies, are subject to suit in any district in which a defendant resides, a substantial part of the events occurred, or where Plaintiff resides.

PARTIES

11. Plaintiff. Plaintiff [PLAINTIFF FULL NAME] is a natural human being, a man/woman of flesh and blood, born on [DATE OF BIRTH], presently residing in [CITY, STATE]. Plaintiff is not a corporation, limited liability company, trust, partnership, artificial entity, or any other legal fiction. Plaintiff brings this action exclusively in private capacity and asserts no federal statutory status. Plaintiff's name as it appears in IRS records in all-capital-letter format (e.g., "[PLAINTIFF ALL-CAPS NAME]") designates, Plaintiff avers, a distinct legal construct — a tax account entity — that is not coextensive with Plaintiff as a natural person. *Note to counsel: The "all-caps name = legal fiction" theory has been uniformly rejected by federal courts as frivolous. See, e.g., United States v. Mitchell, 405 F. App'x 521 (2d Cir. 2010). This allegation is included as a placeholder reflecting the underlying theory; counsel should evaluate whether to retain it.*

12. Defendant [IRS AGENT FULL NAME]. Defendant [IRS AGENT FULL NAME] is, upon information and belief, a Revenue Officer or Revenue Agent employed by the Internal Revenue Service, United States Department of the Treasury, operating out of [IRS OFFICE / DIVISION], located at [OFFICE

ADDRESS]. At all relevant times, Defendant [IRS AGENT FULL NAME] acted under color of federal law and within the scope of employment, but is sued herein in both individual and official capacities. Plaintiff alleges that Defendant [IRS AGENT FULL NAME] personally participated in, directed, or authorized the specific collection actions described herein, which actions exceeded lawful authority and violated Plaintiff's constitutional rights.

13. Defendant Commissioner of Internal Revenue. The Commissioner of Internal Revenue is the head of the Internal Revenue Service and is sued in official capacity only. The Commissioner is responsible for the administration and enforcement of the internal revenue laws and bears supervisory responsibility for the policies, practices, and training that caused or enabled the violations alleged herein. Claims against the Commissioner in official capacity are effectively claims against the United States.

14. Defendant United States of America. The United States of America is named as a defendant pursuant to applicable waivers of sovereign immunity, including 26 U.S.C. § 7433 (unauthorized collection actions) and 5 U.S.C. § 552a(g) (Privacy Act judicial review). Claims against the United States are strictly limited to the waivers provided by Congress; Plaintiff does not seek relief beyond the scope of such waivers.

FACTUAL ALLEGATIONS

A. Plaintiff's Private-Capacity Status

15. Plaintiff is a natural person who has, throughout the periods relevant to this Complaint, engaged in personal, private, and non-commercial activities, deriving income that Plaintiff contends does not constitute "gross income" within the meaning of 26 U.S.C. § 61 as applied to a private-capacity natural person not exercising a federally-licensed or federally-privileged activity.

Note to counsel: The argument that wages and ordinary income are not

"gross income" is a classic tax protestor position that has been uniformly rejected. See Wilcox v. Comm'r, 848 F.2d 1007 (9th Cir. 1988). Counsel must evaluate facts carefully before advancing this theory.

16. Plaintiff has, at all relevant times, maintained that participation in the federal income tax system, as defined under Title 26, requires a voluntary election of statutory "taxpayer" status, and that Plaintiff has made no such election with respect to Plaintiff's private-capacity activities during the periods at issue.

17. Plaintiff is not an employee of the federal government, does not reside in a federal territory or possession, does not engage in any activity subject to a federal excise tax, and is not otherwise subject to the jurisdictional prerequisites for imposition of the federal income tax as Plaintiff understands and asserts those prerequisites to be defined.

18. Plaintiff's Social Security Number / Taxpayer Identification Number ("[TIN/SSN LAST FOUR DIGITS: XXX-XX-__]"), as it appears in IRS databases, is associated with a tax account that Plaintiff avers represents a legal accounting construct distinct from Plaintiff's natural-person identity.

B. IRS Correspondence and Characterization of Plaintiff as a Taxpayer

19. Beginning on or about [DATE], the IRS initiated correspondence directed to Plaintiff at [PLAINTIFF ADDRESS], identifying Plaintiff by the designation "[PLAINTIFF ALL-CAPS NAME]" and asserting that Plaintiff owed federal income taxes for the tax year(s) [YEAR(S)].

20. On or about [DATE], the IRS issued a [NOTICE TYPE, e.g., Notice CP2000 / Notice of Deficiency / 30-day Letter] asserting that Plaintiff owed federal income tax in the amount of \$[AMOUNT ASSESSED] for tax year [YEAR], plus statutory interest and penalties.

21. On or about [DATE], the IRS issued a [NOTICE TYPE, e.g., Final Notice of Intent to Levy / CP504 Notice], further asserting collection rights over Plaintiff's property.

22. On or about [DATE], the IRS issued a [NOTICE TYPE, e.g., Notice of Federal Tax Lien Filing], filing a Notice of Federal Tax Lien in [COUNTY / JURISDICTION] against Plaintiff's property in the amount of \$[AMOUNT].

23. On or about [DATE], Defendant [IRS AGENT FULL NAME] issued or authorized a levy upon [PLAINTIFF'S BANK / EMPLOYER / PROPERTY], seizing funds in the amount of \$[AMOUNT LEVIED], without, Plaintiff avers, adequate legal authority over Plaintiff in private capacity.

24. Throughout each of the foregoing actions, the IRS and its agents consistently treated and identified Plaintiff as a statutory "taxpayer" subject to federal income tax, without any determination of whether Plaintiff had, in fact, accepted or occupied such status with respect to the activities at issue.

C. Plaintiff's Administrative Attempts to Correct the Record

25. On or about [DATE], Plaintiff submitted to the IRS a written request for amendment of Plaintiff's records pursuant to 5 U.S.C. § 552a(d)(2), the Privacy Act of 1974, identifying specific inaccuracies in IRS records regarding Plaintiff's legal status as a "taxpayer" and requesting that those records be corrected to reflect Plaintiff's private-capacity natural-person status.

26. In the alternative, on or about [DATE], Plaintiff submitted to the IRS a [written correspondence / Form 843 / administrative protest] asserting Plaintiff's private-capacity status and requesting that the IRS cease collection activity pending determination of Plaintiff's status.

27. On or about [DATE], Plaintiff timely requested a Collection Due Process ("CDP") hearing pursuant to 26 U.S.C. § 6320 and/or § 6330, requesting review of the lien and/or levy actions described herein.

28. The IRS Appeals Office conducted a CDP hearing on or about [DATE], at which Plaintiff raised the identity and private-capacity arguments set forth herein. The Appeals Office issued a Notice of Determination on or about [DATE], sustaining the lien/levy actions and declining to address Plaintiff's identity arguments.

29. Plaintiff submitted timely administrative claims for damages under 26 U.S.C. § 7433 on or about [DATE], in accordance with Treasury Regulation § 301.7433-1(e), exhausting administrative remedies with respect to Count III herein.

30. The IRS failed to respond to Plaintiff's Privacy Act amendment request within the time periods prescribed by 5 U.S.C. § 552a(d)(3), constituting a constructive denial subject to judicial review under § 552a(g).

D. IRS Failure and Refusal to Correct Plaintiff's Identity Status

31. Notwithstanding Plaintiff's administrative requests, the IRS has at no time conducted any inquiry into or made any determination regarding the accuracy of its characterization of Plaintiff as a "taxpayer" or "person" subject to federal income tax with respect to the specific activities and private-capacity status at issue.

32. The IRS's records continue to reflect Plaintiff as a "taxpayer" with an outstanding federal income tax liability for the years at issue, without distinguishing between Plaintiff's private-capacity natural-person identity and any statutory "taxpayer" entity associated with Plaintiff's TIN.

33. Defendant [IRS AGENT FULL NAME], acting in both individual and official capacity, took or authorized specific collection actions — including the levy described in Paragraph 23 — without independently verifying that Plaintiff, as a natural person in private capacity, was in fact the statutory "taxpayer" against whom such collection actions were lawfully directed.

34. Defendant [IRS AGENT FULL NAME] did not obtain, and no court issued, a warrant authorizing the seizure of Plaintiff's property as would be required under the Fourth Amendment where, as here, Plaintiff disputes the government's legal authority over Plaintiff in private capacity.

E. Resulting Harm to Plaintiff

35. As a direct and proximate result of Defendants' actions, Plaintiff has suffered the following specific and ascertainable harms:

(a) Lien on Real Property. On or about [DATE], Defendants caused a Notice of Federal Tax Lien to be filed against Plaintiff's real property located at [ADDRESS], in the amount of \$[AMOUNT], encumbering Plaintiff's title and impairing Plaintiff's ability to sell, refinance, or otherwise transact with respect to said property.

(b) Bank Levy and Loss of Funds. On or about [DATE], Defendants levied upon Plaintiff's bank account at [FINANCIAL INSTITUTION], seizing funds in the amount of \$[AMOUNT], which funds were the private property of Plaintiff not subject to any lawful tax lien or levy.

(c) Wage Levy / Garnishment. On or about [DATE], Defendants served a continuous levy upon Plaintiff's employer [EMPLOYER NAME], garnishing [PERCENTAGE / AMOUNT] of Plaintiff's wages over a period of [DURATION], causing Plaintiff severe financial hardship.

(d) Damage to Credit. The federal tax lien filing has been reported to credit bureaus and has materially damaged Plaintiff's credit rating, resulting in denial of credit, increased interest rates, and loss of economic opportunities in an amount to be determined at trial.

(e) Emotional Distress. Plaintiff has suffered, and continues to suffer, significant emotional distress, anxiety, loss of sleep, and disruption to personal and family life as a result of Defendants' collection actions and the ongoing threat of further collection.

(f) Costs and Expenses. Plaintiff has incurred, and continues to incur, direct costs in connection with responding to IRS notices, administrative proceedings, and this litigation, including attorneys' fees, accounting fees, and administrative costs in amounts to be proven at trial.

36. Plaintiff's total actual damages, exclusive of punitive damages, are estimated to exceed \$[TOTAL DAMAGES ESTIMATE], inclusive of the amounts seized, lien-related losses, credit damages, and costs of suit.

37. Plaintiff's harm is ongoing: the federal tax lien remains of record; collection activity has not been formally suspended; and the IRS continues to assert Plaintiff is a "taxpayer" with outstanding liabilities, subjecting Plaintiff to further collection action at any time.

38. Plaintiff has no adequate remedy at law to obtain the identity correction and declaratory relief sought herein, other than through this action.

39. Plaintiff has complied with all applicable administrative exhaustion requirements, including the filing of a § 7433 administrative claim, the Privacy Act amendment request, and the CDP hearing process, to the extent required as prerequisites to the causes of action asserted herein.

40. All conditions precedent to the filing of this Complaint have been satisfied or have been waived by Defendants' conduct.

CAUSES OF ACTION

COUNT I

Declaratory Relief — Private-Capacity Status

(28 U.S.C. §§ 2201-2202; South Carolina v. Regan Exception)

41. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

42. An actual, present, and justiciable controversy exists between Plaintiff and Defendants concerning Plaintiff's legal status as a "person" or "taxpayer" within the meaning of 26 U.S.C. § 7701 and related provisions, and concerning the authority of the IRS to apply the federal income tax statutes to Plaintiff's private-capacity activities.

43. Plaintiff contends that Plaintiff, as a natural person acting in private capacity and not exercising any federally-licensed or federally-privileged activity, does not fall within the statutory definitions of "taxpayer" or "person" subject to income tax jurisdiction under Title 26 as applied to the activities at issue.

44. Defendants contend, through their actions and correspondence, that Plaintiff is a "taxpayer" subject to federal income tax with respect to the activities and income at issue.

45. The declaratory relief sought herein falls within the exception to the Anti-Injunction Act and the tax exception to the Declaratory Judgment Act recognized in *South Carolina v. Regan*, 465 U.S. 367 (1984), because Plaintiff lacks any adequate alternative remedy at law to resolve the threshold question of whether Plaintiff constitutes the statutory "taxpayer" against whom Defendants' collection actions are directed. *Note to counsel: The South Carolina v. Regan exception is narrow, applying primarily to states and entities lacking access to the standard refund suit remedy. Courts have generally not extended it to individual plaintiffs asserting private-capacity theories. The Tax Court and refund suit in district court under 28 U.S.C. § 1346(a)(1) are typically the exclusive remedies, and they are available to individuals. This count faces a high probability of dismissal.*

46. Plaintiff requests a declaration from this Court that Plaintiff, in private capacity, is not a "taxpayer" or "person" subject to federal income tax jurisdiction under 26 U.S.C. §§ 1, 61, 6001, 6011, and 7701 with respect to Plaintiff's private-capacity activities during the periods at issue, and that

Defendants lack lawful authority to assess, collect, or enforce income tax liabilities against Plaintiff in private capacity.

COUNT II

Identity Correction Under the Privacy Act

(5 U.S.C. § 552a)

47. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

48. The IRS is an agency subject to the Privacy Act of 1974, 5 U.S.C. § 552a, and maintains a system of records containing information about Plaintiff, including Plaintiff's name, TIN, tax status, income records, and account status.

49. The IRS records pertaining to Plaintiff contain inaccurate, incomplete, or misleading information regarding Plaintiff's legal status, specifically in that such records characterize Plaintiff as a "taxpayer" or "person" subject to federal income tax with respect to activities and periods for which Plaintiff has asserted private-capacity status.

50. Plaintiff submitted to the IRS a timely and proper written request to amend the relevant records pursuant to 5 U.S.C. § 552a(d)(2), identifying the specific inaccuracies and the corrections sought, on or about [DATE].

51. The IRS failed, within the time period required by 5 U.S.C. § 552a(d)(3), to either amend the records as requested or to notify Plaintiff of its refusal to amend and inform Plaintiff of the right to appeal.

52. Plaintiff is entitled to judicial review of the IRS's refusal or failure to amend under 5 U.S.C. § 552a(g)(1)(A), and this Court has jurisdiction to order the agency to correct or amend Plaintiff's records.

53. The IRS's maintenance of inaccurate records regarding Plaintiff's legal status has had an adverse effect on Plaintiff, in that such records have been

used as the basis for unlawful assessments, liens, levies, and collection actions against Plaintiff's private property.

54. Plaintiff is entitled to actual damages, costs, and attorneys' fees pursuant to 5 U.S.C. § 552a(g)(4) if the Court finds that the IRS acted in an intentional or willful manner in maintaining inaccurate records. *Note to counsel: Privacy Act claims in the tax context are limited. The IRS is exempt from certain Privacy Act requirements under 5 U.S.C. § 552a(j)(2) for its criminal law enforcement activities. The scope of the privacy act claim in this context should be carefully assessed against applicable IRS exemption rules.*

55. Plaintiff requests an order compelling the IRS to correct its records to accurately reflect Plaintiff's private-capacity natural-person status and to remove any characterization of Plaintiff as a "taxpayer" with outstanding federal income tax liability for the periods at issue, pending judicial determination of Plaintiff's status.

COUNT III

Violation of 26 U.S.C. § 7433

(Civil Damages for Unauthorized Collection Actions)

56. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

57. 26 U.S.C. § 7433 provides that if, in connection with any collection of federal tax with respect to a taxpayer, any officer or employee of the IRS recklessly or intentionally, or by reason of negligence, disregards any provision of Title 26 or any regulation promulgated thereunder, such taxpayer may petition the district court for damages.

58. Plaintiff has satisfied the administrative exhaustion requirement of 26 U.S.C. § 7433(d)(1) by filing a timely administrative claim for damages with

the IRS on or about [DATE], in accordance with Treasury Regulation § 301.7433-1(e).

59. Defendants, through their officers and employees, recklessly or intentionally disregarded the following provisions of Title 26 and regulations thereunder in connection with collection activities against Plaintiff:

- 26 U.S.C. § 6321 and § 6323 — by filing a Notice of Federal Tax Lien without establishing that Plaintiff is a "person liable to pay any tax" within the meaning of § 6321;
- 26 U.S.C. § 6330 — by proceeding with levy action without providing Plaintiff meaningful notice and a fair CDP hearing addressing Plaintiff's identity and status arguments;
- 26 U.S.C. § 6331 — by levying upon Plaintiff's bank account and wages without lawful authority over Plaintiff in private capacity;
- Treasury Regulation § 301.6320-1 and § 301.6330-1 — by failing to consider Plaintiff's identity and status arguments in the CDP process;
- 26 U.S.C. § 6751 — by failing to obtain required supervisory approval for civil penalties assessed against Plaintiff.

60. The specific unauthorized collection actions include, without limitation: (a) filing a Notice of Federal Tax Lien on or about [DATE] in the amount of \$ [AMOUNT]; (b) serving a levy upon Plaintiff's financial institution on or about [DATE] and seizing \$[AMOUNT]; and (c) serving a continuous wage levy upon Plaintiff's employer on or about [DATE].

61. As a direct result of the foregoing unauthorized collection actions, Plaintiff has suffered actual, direct economic damages in an amount not to exceed \$1,000,000.00 (or such maximum as provided by statute), plus costs of the action, as provided under 26 U.S.C. § 7433(b). *Note to counsel: Section 7433 is a legitimate and well-established cause of action. Courts do*

recognize claims under § 7433 where IRS agents have violated specific procedural provisions in collection. This is the strongest cause of action in this template. Ensure administrative exhaustion is documented meticulously.

COUNT IV

Bivens Claim — Fourth Amendment (Unlawful Seizure of Property)

62. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

63. The Fourth Amendment to the United States Constitution guarantees the right of persons to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, and provides that no warrant shall issue except upon probable cause.

64. Defendant [IRS AGENT FULL NAME], acting under color of federal law in his/her individual capacity, participated in, authorized, or directed the seizure of Plaintiff's property — including the bank levy described in Paragraph 23 and the wage garnishment described in Paragraph 35(c) — without the authority of a lawful warrant and without probable cause to believe that Plaintiff's private property was subject to seizure.

65. The seizure of Plaintiff's property without a warrant and without Plaintiff's consent constitutes an unreasonable seizure in violation of the Fourth Amendment.

66. Defendant [IRS AGENT FULL NAME] may not avail himself/herself of qualified immunity because the right of a private person to be free from warrantless seizure of property is clearly established, and no reasonable federal officer could have believed that seizing Plaintiff's property under the circumstances described herein was lawful. *Note to counsel: The Supreme Court's decision in Egbert v. Boule (2022) casts serious doubt on whether a*

Bivens remedy is available in the IRS collection context, as Congress has provided alternative remedies (§ 7433, Tax Court). Courts in the Ninth Circuit and others have declined to extend Bivens to IRS collection cases. This claim is high-risk and should be assessed in light of current circuit precedent.

67. As a direct result of Defendant [IRS AGENT FULL NAME]'s constitutional violations, Plaintiff has suffered actual damages — including loss of funds seized, emotional distress, and loss of use of property — in an amount to be proven at trial, together with punitive damages sufficient to deter such conduct, and costs of suit.

COUNT V

Bivens Claim — Fifth Amendment (Deprivation of Property Without Due Process)

68. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

69. The Fifth Amendment to the United States Constitution prohibits the federal government from depriving any person of life, liberty, or property without due process of law, and prohibits the taking of private property for public use without just compensation.

70. Defendant [IRS AGENT FULL NAME], acting in individual capacity under color of federal law, deprived Plaintiff of property — including funds seized by levy — without providing Plaintiff with constitutionally adequate procedural protections. Specifically, Defendant failed to: (a) provide Plaintiff adequate pre-deprivation notice and an opportunity to be heard on Plaintiff's identity and status arguments; (b) conduct a meaningful review of Plaintiff's CDP hearing arguments; and (c) ensure that the collection actions were directed against the correct legal person or entity.

71. The deprivation of Plaintiff's property through levy and lien — in the absence of a judicial determination that Plaintiff is in fact the statutory "taxpayer" against whom collection is sought — constitutes a taking of private property without due process and without just compensation.

72. Defendant [IRS AGENT FULL NAME] may not avail himself/herself of qualified immunity because the right to pre-deprivation process before seizure of private property is clearly established under the Fifth Amendment. *Note to counsel: See same Bivens caution as Count IV. Additionally, courts have found that the IRS administrative CDP process, while imperfect, generally satisfies procedural due process. A successful Fifth Amendment Bivens claim would require demonstrating that the CDP process was a complete sham or was systematically denied in this case.*

73. As a direct result of the foregoing violations, Plaintiff has suffered damages in an amount to be proven at trial, together with punitive damages, attorneys' fees, and costs of suit.

COUNT VI

Unjust Enrichment and Equitable Restitution

74. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

75. Defendants, through the unauthorized collection actions described herein, collected and retained funds from Plaintiff in the total amount of \$ [AMOUNT COLLECTED], together with accrued interest and penalties, without lawful authority to collect such amounts from Plaintiff as a natural person in private capacity.

76. Defendants have been unjustly enriched at Plaintiff's expense by retaining funds to which Defendants had no legal entitlement, as Plaintiff avers that the underlying tax assessments were not lawfully applicable to Plaintiff in private capacity.

77. Equity and good conscience require that Defendants return to Plaintiff all funds collected without lawful authority, together with interest at the statutory rate from the date of collection.

78. Plaintiff has no adequate remedy at law for the return of property collected without lawful authority over Plaintiff in private capacity, as the standard refund claim procedures under 26 U.S.C. § 6511 implicitly accept the characterization of Plaintiff as a "taxpayer" that Plaintiff contests herein.

Note to counsel: Equitable claims for restitution against the United States face significant sovereign immunity barriers. Congress has not generally waived immunity for unjust enrichment claims outside § 7433 and the refund statute. Courts typically hold that if a statutory remedy exists, equitable claims are precluded. This count may be subject to dismissal. Counsel should evaluate whether this count adds value or creates risk of frivolity sanctions.

79. To the extent necessary to achieve justice, Plaintiff invokes this Court's general equitable powers to order restitution of all funds and property seized from Plaintiff without lawful authority.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff [PLAINTIFF FULL NAME], a natural person in private capacity, respectfully requests that this Court enter judgment in Plaintiff's favor and against Defendants, jointly and severally as applicable, and award the following relief:

A. Declaratory Judgment. A declaration pursuant to 28 U.S.C. §§ 2201–2202 that Plaintiff, acting in private capacity, is not a "taxpayer" or "person" subject to federal income tax jurisdiction under 26 U.S.C. §§ 1, 61, 6001, 6011, and 7701 with respect to Plaintiff's private-capacity activities during the periods at issue, and that Defendants lacked lawful authority to assess, collect, or enforce income tax liabilities against Plaintiff in such capacity.

B. Permanent Injunction. A permanent injunction, upon final adjudication of Plaintiff's identity and status, prohibiting Defendants and their agents, successors, and assigns from initiating, continuing, or maintaining any collection action against Plaintiff's private property pending a final judicial determination of whether Plaintiff constitutes the statutory "taxpayer" against whom collection is sought.

C. Identity Record Correction. An order pursuant to 5 U.S.C. § 552a(g) (2) compelling the IRS to correct its records to accurately reflect Plaintiff's private-capacity natural-person status and to expunge from Plaintiff's account any characterization as a "taxpayer" with outstanding tax liabilities for the periods at issue, pending final judicial determination of Plaintiff's status.

D. Release of Liens. An order directing Defendants to release and withdraw all Notices of Federal Tax Lien filed against Plaintiff's property, in accordance with 26 U.S.C. § 6325, pending final judicial resolution of this action.

E. Damages Under 26 U.S.C. § 7433. Actual, direct economic damages against the United States under 26 U.S.C. § 7433 for unauthorized collection actions, in the maximum amount authorized by statute, plus costs of the action.

F. Bivens Compensatory Damages. Compensatory damages against Defendant [IRS AGENT FULL NAME] in individual capacity for violations of the Fourth and Fifth Amendments in amounts to be proven at trial.

G. Bivens Punitive Damages. Punitive damages against Defendant [IRS AGENT FULL NAME] in individual capacity in an amount sufficient to punish and deter the constitutional violations described herein.

H. Return of Property. An order directing Defendants to return to Plaintiff all funds and property seized through unauthorized collection

actions, together with interest at the rate prescribed by 26 U.S.C. § 6621 from the date of each collection.

I. Attorneys' Fees and Costs. Attorneys' fees and costs of suit under the Equal Access to Justice Act, 28 U.S.C. § 2412, 26 U.S.C. § 7433(b), 5 U.S.C. § 552a(g)(4), and any other applicable provision, to the extent Plaintiff prevails and Defendants' position is not substantially justified.

J. Further Relief. Such other and further relief, legal or equitable, as this Court deems just, proper, and consistent with the claims and evidence presented.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and the Seventh Amendment to the United States Constitution, Plaintiff hereby demands a trial by jury on all issues so triable, including but not limited to all issues of fact relating to Counts III (26 U.S.C. § 7433 damages), Count IV (*Bivens* — Fourth Amendment), Count V (*Bivens* — Fifth Amendment), and Count VI (unjust enrichment/restitution). *Note to counsel: Jury trial rights in suits against the United States are limited. Claims under § 7433 are triable to a jury. Bivens claims against individual officers are triable to a jury. Declaratory and injunctive claims are equitable and are not jury-triable. Privacy Act claims under § 552a(g)(4) may carry a jury right on the damages portion. Counsel should carefully define which issues are submitted to the jury.*

VERIFICATION

I, [PLAINTIFF FULL NAME], declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Plaintiff in the above-captioned action; that I have read the foregoing Complaint; that the factual allegations therein are true and correct to the best of my personal knowledge, information, and

belief; and that I bring this action in private capacity as a natural person, not in any statutory or representative capacity.

Executed this ___ day of _____, 20__.

[PLAINTIFF FULL NAME]

A Natural Person, in Private Capacity

[ADDRESS]

[CITY, STATE, ZIP]

[TELEPHONE]

[EMAIL]

Plaintiff, Pro Se / By Counsel

If represented by counsel, counsel signature block:

[ATTORNEY FULL NAME]

Bar No.: _____

[LAW FIRM NAME]

[ADDRESS]

[CITY, STATE, ZIP]

[TELEPHONE] | [EMAIL]

Attorney for Plaintiff

INDEX OF EXHIBITS

Exhibit	Description	Date	Relevance
Exhibit A	IRS Correspondence — [NOTICE TYPE] asserting tax liability	[DATE]	Establishes IRS characterization of Plaintiff as "taxpayer"; supports Counts I, II, III


Exhibit	Description	Date	Relevance
Exhibit B	Plaintiff's Administrative Correction Request under Privacy Act, 5 U.S.C. § 552a(d) (2)	[DATE]	Demonstrates exhaustion of administrative remedies; supports Count II
Exhibit C	IRS Response to Privacy Act Amendment Request, or Certification of No Response	[DATE / N/A]	Establishes constructive denial or affirmative refusal; supports Count II
Exhibit D	Notice of Federal Tax Lien — [County/Jurisdiction] Recording	[DATE]	Evidence of lien; supports Counts I, III, VI, Prayer for Relief D
Exhibit E	IRS Bank Levy Notice — [Financial Institution]	[DATE]	Evidence of levy/seizure; supports Counts III, IV, V, VI
Exhibit F	CDP Hearing Request and Notice of Determination	[DATE]	Demonstrates exhaustion of CDP process; supports Counts I, III
Exhibit G	§ 7433 Administrative Claim — Filed with IRS	[DATE]	Establishes statutory exhaustion under 26 U.S.C. § 7433(d)(1); supports Count III
Exhibit H	Evidence of Harm — Credit Reports, Financial Records, Property Damage Documentation	[DATE RANGE]	Supports damages calculations; supports all Counts for damages purposes

Exhibit	Description	Date	Relevance
Exhibit I	Plaintiff's Correspondence to IRS Asserting Private-Capacity Status	[DATE]	Documents Plaintiff's notice to IRS; supports Counts I, II, and qualified-immunity analysis in Counts IV-V

RULE 11 CERTIFICATION

By signing this Complaint, the filing attorney or pro se Plaintiff certifies that, to the best of the signer's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

1. This Complaint is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
2. The claims, defenses, and other legal contentions herein are warranted by existing law or, where so identified with "Note to counsel" annotations, by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
3. The factual contentions have evidentiary support or, where placeholders appear, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
4. The denials of factual contentions are warranted on the evidence or are reasonably based on belief or lack of information.

 **Critical Rule 11 Warning for Pro Se and Counsel**

Federal courts have imposed significant monetary sanctions — including awards of the government's attorneys' fees — on litigants and attorneys who have filed complaints asserting theories that courts characterize as "tax protestor" arguments, including: (1) the all-caps name / legal fiction theory; (2) the claim that wages are not income; (3) the claim that only residents of federal territories owe federal income tax; and (4) "private capacity" arguments that purport to opt out of tax jurisdiction. *See* Fed. R. Civ. P. 11(c); 28 U.S.C. § 1927; *Crain v. Comm'r*, 737 F.2d 1417 (5th Cir. 1984) (per curiam) ("We perceive no need to refute these arguments with somber reasoning and copious citation of precedent; to do so might suggest that these arguments have some colorable merit.").

Before filing, counsel or pro se litigants **must** independently verify that each legal theory in the operative complaint is supported by good-faith legal argument. Counts that rely solely on rejected tax protestor theories should be dropped from any complaint actually filed. Counts III (§ 7433) and II (Privacy Act) are generally the most defensible causes of action and should anchor any legitimate complaint of this type.

FOOTNOTE DISCLAIMER — MODEL DOCUMENT / ACADEMIC USE ONLY

This document is a model and template for litigation preparation, legal education, and academic study. It does *not* constitute legal advice. No attorney-client relationship is created or implied. The arguments presented herein vary substantially in their legal viability:

Arguments with established legal support: The § 7433 civil damages claim (Count III) is a legitimate statutory cause of action recognized in federal courts. The Privacy Act record-correction claim (Count II) has a

recognized statutory basis, though subject to IRS exemptions. Procedural challenges to IRS collection — including failure to follow CDP procedures, failure to obtain supervisory approval for penalties under § 6751, and violations of specific Title 26 provisions — have succeeded in federal courts.

Arguments courts have uniformly rejected as frivolous: The "private capacity" tax opt-out theory; the all-caps name/legal fiction theory; the argument that wages are not income; the argument that only federal employees or residents of federal territories owe income tax; and the argument that the Anti-Injunction Act does not apply to identity-correction claims. Courts have uniformly characterized these as tax protestor arguments and have imposed sanctions. *See Lonsdale v. United States*, 919 F.2d 1440 (10th Cir. 1990); *United States v. Sloan*, 939 F.2d 499 (7th Cir. 1991); *Crain v. Comm'r*, 737 F.2d 1417 (5th Cir. 1984).

Arguments unsettled or in tension: The scope of *Bivens* liability in the IRS collection context following *Egbert v. Boule*, 596 U.S. 482 (2022), remains unsettled. The *South Carolina v. Regan* exception to the tax exception of the Declaratory Judgment Act has been applied narrowly. Counsel should conduct current circuit-level research before including these counts.

All parties to any actual litigation should retain qualified, licensed legal counsel. This template was prepared on June 12, 2026, for the user known as Private1, located in San Diego, CA, and reflects general federal law as understood at the time of drafting. It is not jurisdiction-specific and does not account for local district court rules, which may impose additional requirements on complaints filed in a specific district.