

2. This Court has supplemental jurisdiction over state-law claims under 28 U.S.C. Section 1367(a).
3. Venue is proper under 28 U.S.C. Section 1391(b) because all events occurred in this District.

II. PARTIES

4. Plaintiff Kevin Samuelson is a resident of Guadalupe County, Texas.
5. Defendant Comal Independent School District is a political subdivision of Texas.
6. Defendant Board of Trustees of Comal ISD governs district policy, conducts public meetings, and is responsible for the operation of the livestream and in-room audio systems.
7. Defendant Superintendent, in his official capacity, oversees district operations including audiovisual systems and compliance with state and federal law.
8. Defendant Board President, in his official capacity, presides over board meetings, controls the microphone and livestream audio system, and has final authority during public comment periods.

III. FACTUAL BACKGROUND

A. Plaintiff's Speech Was Fully Protected

9. For twelve consecutive months Plaintiff delivered public comments at CISD board meetings concerning matters of significant public interest including:
 - a. Retaliation against Plaintiff's wife, a whistleblower employee.
 - b. FERPA, IEP, and Section 504 violations affecting dozens of students.
 - c. Threats made by district employees toward Plaintiff and his children.
 - d. HR misconduct, false statements, and deletion of evidence.
 - e. Irrational and retaliatory employment actions.

- f. Medical documentation fraud reported to the Department of Education.
- g. Concerns involving safety, transparency, and governance.

10. Plaintiff never used profanity, never disrupted a meeting, and always complied with public-comment rules.

B. The Muting of Plaintiff's Microphone

- 11. At the meeting in question Plaintiff approached the podium to speak.
- 12. Before Plaintiff could say his first word, the Board President looked down, pressed a button on the dais, and Plaintiff's audio was cut from the public livestream.
- 13. The action occurs visibly on the district's official recording.
- 14. In-person attendees could still hear Plaintiff. Only the official YouTube livestream, the medium relied upon by the public, was muted.
- 15. The muting occurred precisely as Plaintiff began reporting whistleblower retaliation, threats, and documented misconduct.
- 16. The effect was to silence Plaintiff's criticism from the public record while preserving the illusion that he was allowed to speak.

C. Defendants Later Denied the Incident Occurred

- 17. At the following board meeting, the Board President used his official remarks to deny that any muting occurred.
- 18. This was false and contradicts the video evidence.
- 19. The denial caused reputational harm by implying Plaintiff fabricated the allegation.

20. The denial also shows the muting was not treated as an accident and suggests an unwillingness to correct or acknowledge the violation.

D. The Retaliation Context Establishes Motive and Intent

21. Plaintiff's wife was identified as a whistleblower by the U.S. Department of Education after reporting medical documentation fraud, special-education violations, and unlawful directives.

22. After her protected activity district officials:

- a. Threatened Plaintiff.
- b. Lied in official investigations.
- c. Deleted video evidence.
- d. Encouraged retaliatory employees to seek positions near her new campus.
- e. Pressured her to quit or accept demotion.
- f. Took actions serious enough that the Texas Attorney General later sealed the files after a request from CISD's attorneys.

23. Plaintiff filed Level 1, Level 2, and Level 3 grievances documenting these events.

24. Transcripts from Plaintiff's Level 3 grievance hearings will show that CISD legal counsel stated it was acceptable to target a parent if it benefited a student. Plaintiff will obtain and produce these transcripts during discovery.

25. This factual background demonstrates motive, pattern, and lack of mistake.

E. The Sealed Files and Regulatory Withdrawals Show Public Importance

26. Plaintiff sought federal review from the Department of Education and the U.S. Equal Employment Opportunity Commission.

27. Both agencies withdrew involvement immediately after learning that the Texas Attorney General sealed the grievance records at CISD's request.

28. These sealed records form part of the story Plaintiff attempted to share publicly when his microphone was muted.

F. TOMA Violations

29. The Texas Open Meetings Act requires truthful and complete public access to public comments rendered at official meetings.

30. By muting Plaintiff's audio on the livestream while allowing in-room audio, CISD materially altered the public record in violation of TOMA's transparency requirement.

31. The livestream is the public's primary method of attending meetings, and muting it constitutes concealment of public testimony.

G. Audiovisual Evidence and Preservation Necessity

32. Plaintiff submitted audiovisual exhibits including the muting incident, extended footage of the meeting, technical metadata, and prior board-meeting footage.

33. The muting incident is visible on video and traceable to the moment the Board President pressed the button.

34. Preservation of all audio logs, livestream records, microphone-board logs, and AV equipment metadata is necessary.

IV. CAUSES OF ACTION

Count One. First Amendment Viewpoint Discrimination

35. Plaintiff incorporates all prior paragraphs.

36. Public comment time at a school-board meeting is a designated public forum.
37. Defendants muted Plaintiff based on the content of his speech.
38. Viewpoint discrimination is presumptively unconstitutional.
39. Other speakers were not muted.
40. Only Plaintiff's criticism and whistleblower-related testimony was removed from the livestream.

Count Two. First Amendment Prior Restraint

41. Defendants prevented Plaintiff from speaking before he said a single word.
42. Prior restraints are among the most serious constitutional violations.

Count Three. First Amendment Right to Petition Government

43. Plaintiff was petitioning the government for redress of grievances.
44. Defendants cannot silence citizens who report government wrongdoing.

Count Four. Texas Constitution Article I Section 8

45. The Texas Constitution protects speech in public forums at least as strongly as the federal Constitution.
 46. Defendants violated these rights by muting Plaintiff's speech.
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Count Five. Texas Open Meetings Act

47. By altering the livestream audio during public comments, CISD violated TOMA's requirement that public meetings remain accessible, truthful, and unaltered.

Count Six. Declaratory Judgment

48. Plaintiff seeks a declaration that the muting violated his constitutional rights.

Count Seven. Permanent Injunction

49. Plaintiff seeks an injunction preventing Defendants from muting or altering public comments in any format and ensuring future compliance with the First Amendment, Texas Constitution, and TOMA.

50. Defendants deny the violation, have taken no corrective action, and remain capable of repeating it.

Count Eight. Preservation and In-Camera Review

51. Plaintiff requests the Court order preservation and production of:

- a. All AV logs, recordings, and metadata.
- b. All grievance records, including sealed materials.
- c. The Level 3 grievance transcript.
- d. All internal communications concerning Plaintiff or his wife.

52. Plaintiff requests in-camera review where necessary.

Count Nine. Nominal Damages

53. Under binding Supreme Court precedent, nominal damages prevent mootness and recognize the completed violation.

V. PRAYER FOR RELIEF

Plaintiff respectfully requests:

1. A declaration that Defendants violated Plaintiff's rights.
2. A permanent injunction preventing future viewpoint-based muting.
3. A ruling requiring preservation and production of evidence.
4. In-camera review of sealed documents as necessary.
5. Nominal damages.
6. Costs and any other relief the Court deems appropriate.

~~Respectfully submitted,~~

Kevin Samuelson

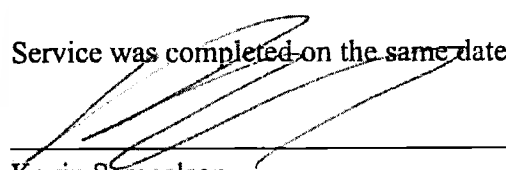
Pro Se Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of November 2025, a true and correct copy of the foregoing Motion for Leave to File Second Amended Complaint, along with the attached Second Amended Complaint and Proposed Order, was served on counsel for Defendants by electronic mail, with his consent, at the following address:

Paul A. Lamp

Service was completed on the same date.



Kevin Samuelson
Pro Se Plaintiff