UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Christopher Daniel McNosky
Plaintiff

Sven Stricker
Plaintiff

CASE NUMBER: A13CV0631 SS

The State of Texas
Defendant

COMPLAINT

(1) Christopher Daniel McNosky
5108 Pleasant Run,
Colleyville, TX 76034

Sven Stricker
3047 Bent Tree Ct.
Bedford, TX 76021

(2) The State of Texas
112 E 11th St
Austin, TX 78701

(3) United States judicial precedent, citing *Ex parte Young – 209 U.S. 123 (1908)*, clearly indicates that when there is a question regarding whether or not a state's law is in violation of federal law, suits may be brought before United States District Courts to enjoin state officials from enforcing unconstitutional laws. The plaintiffs claim that the defendant's enforcement of *Article 1, Sec. 32 of the Texas Constitution,* and *Texas Family Code; Title 1; Subtitle A; Chapter 2; Subchapter A; Section 2.001 (b)*, is in violation of The Equal Protection Clause of The Fourteenth Amendment of The United States Constitution, due to their explicit incorporation of sex-based discrimination practices, utilized when evaluating the validity of Texas Marriage license applications.

(4) On July 1, 2013, plaintiffs Christopher Daniel McNosky and Sven Stricker, jointly applied for a marriage license at the Vital Records Office of Tarrant County, located in

Fort Worth, Texas. The plaintiffs properly completed marriage license application was denied immediately upon submission, without further review. The plaintiffs were explicitly informed that their application could not be reviewed, nor approved because they were both of the same sex.

(5) According to United States Supreme Court precedent set by *Craig v. Boren; Glenn v. Brumby; J.E.B. v. Alabama; and Mississippi University for Women v. Hogan,* and *United States v. Virginia*, sex is considered to be a quasi-suspect classification, subject to intermediate judicial scrutiny under The Equal Protection Clause of The Fourteenth Amendment of The United States Constitution. According to the majority opinions of the preceding cases, federal, state, and local governments are barred from engaging in the discriminatory allocation and denial of liberty on the basis of sex, without valid governmental objective.

(6) The defendant's subsequent practice of sex-based discrimination, related to the enforcement of *Article 1, Sec. 32 of the Texas Constitution,* which reads, **"(a) Marriage in this state shall consist only of the union of one man and one woman. (b) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage,"** and *Texas Family Code; Title 1; Subtitle A; Chapter 2; Subchapter A; Section 2.001 (b)*, which reads, **"A license may not be issued for the marriage of persons of the same sex,"** is not rooted in any sort of valid governmental objective, and is thus a violation of The Equal Protection Clause of The Fourteenth Amendment of The United States Constitution, since the aforementioned laws restrict the otherwise legally eligible plaintiffs from participating in the state-regulated institution of marriage, solely based upon their respective sexes. These laws further infer that the plaintiffs could be granted a marriage license simply if one of them was biologically female.

The plaintiffs are seeking relief in the form of a federal injunction, preventing The State of Texas from enforcing both *Article 1, Sec. 32 of the Texas Constitution,* and *Texas Family Code; Title 1; Subtitle A; Chapter 2; Subchapter A; Section 2.001 (b)*, so that they would then be allowed to procure a marriage license issued by The State of Texas.

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