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7
8 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
9 DISTRICT OF INDIANA

10 **Joseph Maldonado,**)
11 Petitioner and Plaintiff,)
12 versus)
13 Professional Animal Retirement) Case _____
14 Center (PARC), a.k.a.)
15 **Black Pine Animal Sanctuary**)
16 Respondent and Defendant.)

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19 **In re Elvis, a white Bengal tiger.**

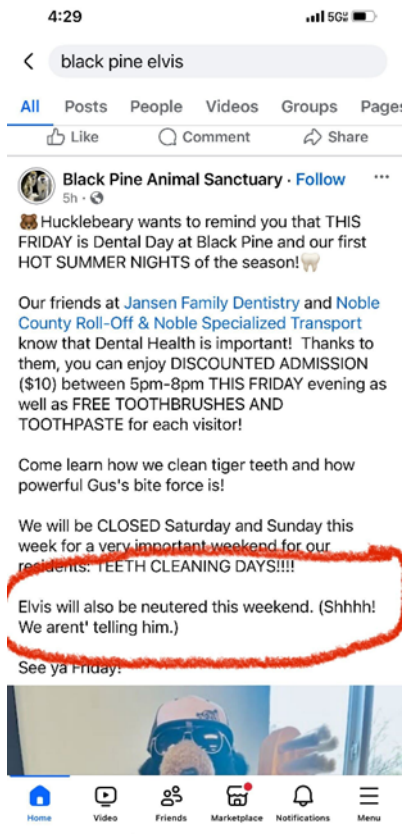
20 COMPLAINT UNDER THE ENDANGERED SPECIES ACT AND
21 EMERGENCY PETITION FOR INJUNCTIVE RELIEF

22 This is a complaint demanding a trial, declaratory relief and
23 injunctive relief under the Endangered Species Act, combined with
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1 an emergency petition for preliminary injunction or restraining
2 order¹ under the Endangered Species Act (ESA).
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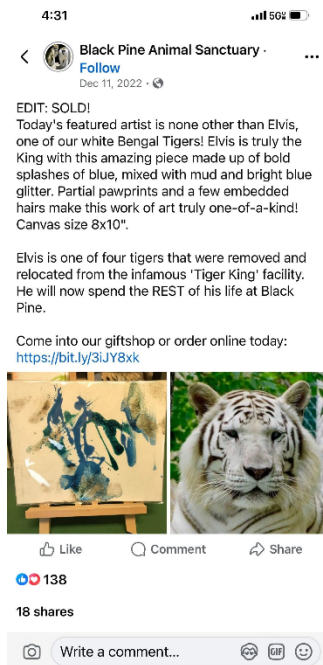
4 Petitioner-Plaintiff **Joseph Maldonado** (a.k.a. “Joe Exotic”) has
5 recently learned that PARC, a.k.a. **Black Pine Animal Sanctuary**
6 intends to “neuter” (castrate) one of Maldonado’s former tigers, an
7 extremely rare and endangered white tiger known as Elvis, this
8 coming weekend, May 16-18th. Maldonado has also learned that
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10 PARC has engaged in a pattern of other ESA violations, including a
11 practice of spaying and neutering other endangered species.
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24 ¹ This case arises due to an announcement that the defendant will
25 commit irreparable harm within four days. The Plaintiff has sent
26 notice via certified mail on the afternoon of May 13, 2025. In the
27 event the defendant fails to acknowledge receipt, the injunction
sought can be described as a restraining order under Rule 65.



The Black Pine Animal Sanctuary is performing the neutering in conjunction with a mass fundraising campaign to raise money.

IN RE ELVIS, A WHITE BENGAL TIGER - 3



MALDONADO'S STANDING

Maldonado has standing under the ESA's citizen suit provision because Maldonado has a special relationship with Elvis. Elvis was nurtured, loved, raised and cared for by Maldonado from around 2016 until the time of his separation from Elvis in 2018. Maldonado hopes to revisit and see Elvis again as soon as possible.

Not only is Elvis an endangered species; but Elvis is an extremely rare type of Tiger. Neutering Elvis will kill some of the rarest genes in the tiger genetic pool. Elvis' parents were two extremely rare, orange, heterozygous tigers. Neither parent was white in color; which makes Elvis' genetics profoundly rare. The

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1 pairing of Elvis' parents rescued a diverse set of recessive genes
2 from being lost to nature.
3

4 **Emergency Notice and Request for Expedited Ruling and**
5 **Preliminary Injunction/Restraining Order.**

6 Notice of this claim and petition has been provided to every
7 listed member of the PARC Board of Directors, via overnight
8 certified priority mail with return receipts, mailed at 3:00 p.m. on
9 May 13, 2025. These members of the Board will also be notified via
10 email by close of business on May 13. Pursuant to Rule 65(b)(3),
11 Maldonado requests an *expedited preliminary injunction hearing*, set
12 for a hearing "at the earliest possible time, taking precedence over
13 all other matters except hearings on older matters of the same
14 character."
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19 **Grounds for Restraining Order/Preliminary Injunction.**

20 Upon information and belief (and published social media)
21 PARC intends to neuter Elvis on the approaching weekend.
22 Accordingly, *Maldonado requests emergency expedited preliminary*
23 *injunction as soon as possible.*
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1 **THE PARTIES**

2 **Petitioner-plaintiff Joseph Maldonado** (“Joe Exotic”) is the
3 former owner and operator of the largest tiger park in North
4 America, the Greater Wynnewood Exotic Animal Park in Oklahoma.
5 Maldonado is presently incarcerated at the U.S. federal prison at
6 Fort Worth, Texas, serving a 21-year prison sentence for crimes he
7 did not commit.²
8

9
10 **Respondent-Defendant Professional Animal Retirement**
11 **Center, Inc**, known as “PARC”, is an organization doing business in
12 the State of Indiana as **Black Pine Animal Sanctuary**, known as
13 “BPAS,” located at 1426 W 300 N Albion, IN 46701. Amanda Plank
14 is PARC’s executive director and/or CEO.
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18 **JURISDICTION & VENUE**

19 This Court has subject matter jurisdiction under 28 USC §
20 1331, on the basis of there being a federal question relating to the
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26 ² Maldonado’s appeal of the denial of his motion for new trial is
27 currently pending before the U.S. 10th Circuit Court of Appeals.
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1 Endangered Species Act, 16 U.S.C. § 1540(g), 16 U.S.C. § 1538, 50
2 C.F.R. § 17.21 and 50 C.F.R. § 17.61.
3

4 Venue is appropriate because PARC operates the **Black Pine**
5 **Animal Sanctuary** in the Northern District of Indiana.
6

7 **Legal Standards.**

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9 Under Federal Rule of Civil Procedure 65, a preliminary
10 injunction should be granted where (1) there is likelihood of success
11 on the merits, (2) likelihood of irreparable harm, (3 & 4) a balance of
12 equities and hardships as well as public interest favors injunction.
13 All four factors are easily met here.
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16 **1. Likelihood of Success on the Merits**

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18 Maldonado will likely succeed on the merits of this underlying
19 cause of action. This is because the intent and purpose of the
20 Endangered Species Act is to recover species to a point where they
21 no longer need protection, meaning their populations can be stable
22 and thriving. Castration, spaying and neutering such endangered
23 species violates the plain language, purpose and design of the Act.
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26 **2. Likelihood of Irreparable Harm** 27 **IN RE ELVIS, A WHITE BENGAL TIGER - 7**

1 Irreparable harm is certain in this case because a tiger cannot
2 be un-neutered after a neutering procedure. Additionally, neutering
3 of cats brings long-term health harms and health risks as described
4 below.
5

6 **3. Balance of Equities and Hardships**

7
8 The balancing of equities and hardships in this case also
9 favors a preliminary injunction. Temporary injunctive relief will not
10 effect the long-term rights of **Black Pine Animal Sanctuary** to
11 conduct its procedure in the future, in the (unlikely) event that
12 Maldonado loses on the merits of this suit.
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15 **4. Public Interest**

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17 The public has an interest in the survival, recovery, health,
18 and propagation of endangered species and rare tigers.
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20 **DEMAND FOR TRIAL ON THE MERITS, AND DECLARATORY** 21 **AND INJUNCTIVE RELIEF.**

22 Beyond a preliminary injunction, Maldonado requests
23 permanent injunctive and declaratory relief in the form of an order:
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- 1 1. Declaring that the rendering of an endangered species
2 impotent or infertile by spaying or neutering violates the ESA;
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- 4 2. Declaring that defendants' castrating, spaying or neutering of
5 Elvis the tiger violates the ESA;
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- 7 3. Enjoining the defendant/respondent from neutering Elvis
8 because it violates the ESA;
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- 10 4. Enjoining the defendant/respondent from spaying or
11 neutering any other endangered species;
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- 13 5. Permitting an on-site inspection of the property, within thirty
14 days, to confirm that all of the Big Cats at PARC are being
15 preserved and not altered in any manner;
16
- 17 6. Ordering Elvis released to the wild or moved to a suitable
18 secure sanctuary, with defendant paying for placement,
19 transport, and veterinary care necessary for the animal's
20 relocation to its native habitat in the wild where the animal
21 may express species-typical behaviors in safe, sanitary, and
22 enriching environments and receive proper, natural, species
23 specific nutrition and live a natural life away from human
24 interference.
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3 **FURTHER STANDARDS FOR RESOLUTION ON THE MERITS.**

4 The Endangered Species Act authorizes citizens to enforce
5 compliance with any provision of the Act. 16 U.S.C. § 1540(g). This
6 includes the prohibitions in 16 U.S.C. § 1538. See 50 C.F.R. § 17.21
7 and 50 C.F.R. § 17.61. However, citizens adversely affected by an
8 ESA violation normally must give 60-days notice of the alleged
9 violation to the alleged violator and Secretary of the Interior. This
10 notice and delay period are intended to allow the violator an
11 opportunity to correct his violation and to give the Secretary an
12 opportunity to enforce compliance, thus making citizen enforcement
13 unnecessary.
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18 **Issuance of declaratory order.**

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20 Rule 57 of the Federal Rules of Civil Procedure (“Declaratory
21 Judgment”) provides for the procedure for obtaining a declaratory
22 judgment under 28 U.S.C. §2201. The existence of another
23 adequate remedy does not preclude a declaratory judgment that is
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1 otherwise appropriate. The court may order a speedy hearing of a
2 declaratory-judgment action.
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4 **I. The Endangered Species Act**

5
6 The Endangered Species Act ("ESA") prohibits the "take" of
7 endangered and most threatened species within the United States.
8
9 Tigers are a listed "endangered species" under the
10 ESA. To which the "take" prohibition applies. Congress defined
11 "take" "in the "broadest possible" manner to include every
12 conceivable way in which a person can take or attempt to
13 take any fish or wildlife." "Take" is defined by statute to mean "to
14 harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or
15 collect, or to attempt to engage in any such conduct." 16
17 U.S. Code § 1532(19).
18
19

20 "Harm" and "harass" are defined by regulation. "Harm" is "an act
21 which actually kills or injures wildlife" including "by significantly
22 impairing essential behavioral patterns, including breeding,
23 feeding or sheltering."6 "Harass" is "an intentional or negligent act
24 or omission which creates the likelihood of injury to wildlife by
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1 annoying it to such an extent as to significantly disrupt normal
2 behavioral patterns which include, but are not limited to, breeding,
3 feeding, or sheltering."
4

5 "Wound" is not defined by statute or regulation. Its dictionary
6 definition, as a verb, is "to cause a wound to or in," or "to inflict a
7 wound"; as a noun, wound is defined as "an injury to the body
8 (as from violence, accident, or surgery) that typically involves
9 laceration or breaking of a membrane (such as the skin) and
10 usually damage to underlying tissues."
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14 On information and belief, PARC does not allow the Big Cats in
15 its care to reside in communal groups, therefore on information and
16 belief the only purpose of this unnecessary procedure to neuter
17 Elvis is to prevent the non-aggressive nuisance of marking, which is
18 a genetically hardwired instinct. To deprive a big cat of its right to
19 exhibit this natural tendency is a "harm" as defined under
20 the ESA.
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23
24 On Information and belief, PARC, do not possess a captive-bred
25 wildlife permit and would need to possess any such permit to "take"
26

1 Big Cats. Yet, PARC, as described below, confines and maintains
2 Big Cats in conditions that "harm," "harass," and "wound" them in
3 violation of Section 9 of the ESA and its implementing regulations,
4 and thereby also unlawfully possesses them in further violation of
5 the Act.
6

7 **II. Professional Animal Retirement Center Takes Big Cats in** 8 **Violation of the ESA.** 9

10
11 PARC takes protected Big Cats by spaying and or neutering
12 them, actions which harass and result in or creates a likelihood of
13 injury to the animals. Specifically, PARC has posted publicly, on
14 social media platforms, their intent to neuter "Elvis", a white Bengal
15 tiger born in 2016, and a protected Big Cat under the provisions of
16 the ESA, sometime between May 16, 2025, May 17, 2025, or May
17 18, 2025. Neutering Big Cats is illegal under the ESA. As defined
18 by the ESA, neutering is an "act which actually kills or injures
19 wildlife" including "by significantly impairing essential behavioral
20 patterns, including breeding, feeding or sheltering" and is therefore
21 a "harm".
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1 Neutering Elvis certainly impacts his ability to breed, as well as
2 puts him at greater risk for hormonal changes and certain cancers,
3 as well as metabolic changes and weight gain, and an increased
4 risk of urinary tract issues. There is also significant risk of surgical
5 complications and death associated with this procedure. Sedation of
6 big cats often causes distress and poses health risks to the animal
7 such as seizures, convulsions, and risk of aspiration. Sedation of a
8 tiger Elvis's age carries significant higher risks due to age-related
9 decline in organ function, particularly to the heart and lungs. Older
10 animals may have less efficient hearts and blood vessels, making
11 them more susceptible to complications during anesthesia.
12 Anesthesia can further depress heart function, potentially leading
13 to arrhythmias or heart failure. Senior Tigers may have decreased
14 lung capacity and elasticity, making them more vulnerable to
15 respiratory depression, reduced oxygen levels (hypoxia), and
16 difficulties breathing.

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23 The conditions set forth herein, violate ESA's prohibition on
24 the "take" of the Big Cats. Unless the violations described herein
25 cease immediately, Joseph Maldonado intends to file suit against
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27 **IN RE ELVIS, A WHITE BENGAL TIGER** - 14

1 PARC under the ESA after the expiration of sixty days. Pursuant to
2 the ESA, Joseph Maldonado will seek declaratory relief and an
3 injunction against continued violations, including, but not
4 limited to; requesting that the court order the transfer of the Big
5 Cats to reputable accredited American Zoological Association
6 ("AZA") facilities that participates in the Tiger Species Survival Plan
7 ("SSP"), as well as attorney's fees and litigation costs.

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11 **PRAYER FOR RELIEF:**

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13 ACCORDINGLY, petitioner requests a trial on the merits, a
14 restraining order or preliminary injunction as described above, and
15 an order by this Honorable Court:
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- 17 1. Declaring that the rendering of an endangered species
18 impotent or infertile by spaying or neutering violates the ESA;
19
- 20 2. Declaring that defendants' castrating, spaying or neutering of
21 Elvis the tiger violates the ESA;
22
- 23 3. Enjoining the defendant/respondent from neutering Elvis
24 because it violates the ESA;
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1 4. Enjoining the defendant/respondent from spaying or
2 neutering any other endangered species;
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4 5. Permitting an on-site inspection of the property, within thirty
5 days, to confirm that all of the Big Cats at PARC are being
6 preserved and not altered in any manner;
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8 6. Ordering Elvis released to the wild or moved to a suitable
9 secure sanctuary , with defendant paying for placement, transport,
10 and veterinary care necessary for the animal's relocation to its
11 native habitat in the wild where the animal may express species-
12 typical behaviors in safe, sanitary, and enriching environments and
13 receive proper, natural, species specific nutrition and live a natural
14 life away from human interference.
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18 DATE: May 15, 2025

RESPECTFULLY SUBMITTED,

20 /s/ Roger Roots

21 Roger I. Roots

22 Roots Justice

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