

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

XIU JIAN SUN,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2016-1783

Appeal from the United States Court of Federal
Claims in No. 1:16-cv-00252-TCW, Judge Thomas C.
Wheeler.

Decided: September 6, 2016

XIU JIAN SUN, Flushing, NY, pro se.

P. DAVIS OLIVER, Commercial Litigation Branch, Civil
Division, United States Department of Justice, Washing-
ton, DC, for defendant-appellee. Also represented by
BENJAMIN C. MIZER, ROBERT E. KIRSCHMAN, JR., BRIAN A.
MIZOGUCHI.

Before NEWMAN, CLEVINGER, and O'MALLEY, *Circuit Judges*.

NEWMAN, *Circuit Judge*.

Mr. Xiu Jian Sun appeals the judgment of the United States Court of Federal Claims, dismissing his complaint against the United States for failure to state a claim on which relief can be granted.¹ We affirm the dismissal.

DISCUSSION

“Whether the court properly dismissed for failure to state a claim is a question of law which we review *de novo*.” *New York Life Ins. Co. v. United States*, 190 F.3d 1372, 1377–78 (Fed. Cir. 1999). Actionable complaints must allege misconduct and plead factual content that allows “the reasonable inference that the defendant is liable for the misconduct.” *Todd Const., L.P. v. United States*, 656 F.3d 1306, 1316 (Fed. Cir. 2011). The Court of Federal Claims found that “[a]t most, the complaint is an assessment of some of President Obama’s actions during his presidency as judged against teachings of The Church of Latter-Day Saints.” Dism. Order at 1–2.

“The pleadings of *pro se* litigants should be held to a lesser standard than those drafted by lawyers when determining whether the complaint should be dismissed for failure to state a claim,” *McZeal v. Sprint Nextel Corp.*, 501 F.3d 1354, 1356 (Fed. Cir. 2007). Mr. Sun’s complaint consists of biographical information, e-mail messages sent from President Obama’s whitehouse.gov e-mail address, quotations of Biblical teachings, and transcriptions of addresses by the President. The complaint contains a single accusation: “President Obama does not keep his words. . . .” Compl. at 3, ECF No. 1. At oral argument

¹ *Xui Jian Sun v. United States*, No. 1:16-cv-00252-TCW (Fed. Cl. March 14, 2016) (“Dism. Order”).

before this court, Mr. Sun elaborated on his concerns, stating, in translation, that “President Obama is going against God’s directive.” Oral Arg. at 2:37 (translation). Mr. Sun continued: “God gave this country the flag which showed that God is the authority, but President Obama is not following that authority.” Oral Arg. at 3:41 (translation).²

Upon review, we discern no allegation of violation of statute or precedent within the jurisdiction of the Court of Federal Claims. “The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *Epperson v. State of Ark.*, 393 U.S. 97, 104 (1968). We agree with the Court of Federal Claims that an actionable claim has not been presented.

No costs.

AFFIRMED

² Mr. Sun was accompanied at the podium by a translator, whose simultaneous translation was recorded in accordance with the court’s procedures.