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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Darrell James Hill,

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No. CV 09-1957-PHX-MHM

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Plaintiff,

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ORDER

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vs.

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DNA Medical Staffing, LLC, et al.,

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Defendant.

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Currently pending before the Court are Defendants DNA Medical Staffing, LLC, David Nguyen, and Angelica Nguyen’s Motion to Dismiss Case for Insufficient Service of Process, (Dkt.#13), Defendants Secretary of the Treasury and Commissioner of the Social Security Administration (“the Federal Defendants”) Motion to Dismiss for Lack of Jurisdiction, (Dkt.#22), and Plaintiff Darrell James Hill’s Motion for Default Judgment as to DNA Medical Staffing, (Dkt.#11), Motion for Issuance of Writ of Execution, (Dkt.#12), Motion for FRCP Rule 7.1 Disclosure Statement, (Dkt.#16), Emergency MOTION for Declaratory Judgment, (Dkt.#17), and Motion for Extension of Time for Response for Not Getting Dkt. #24, (Dkt.#26). After reviewing the record and determining oral argument unnecessary, the Court issues the following Order.

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Plaintiff Darrell James Hill brought this lawsuit against DNA Medical Staffing, LLC, the Secretary of the Treasury as representative of the Internal Revenue Service, the Social

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1 Security Administration Commissioner as representative of the Commissioner for the Social
2 Security Administration, David Nguyen, and Angelica Nguyen. Hill's claims arise out of
3 allegations that DNA Medical Staffing, LLC, David Nguyen and Angelica Nguyen, who are
4 private employers or agents of a private employer, violated Plaintiff Hill's various federal
5 statutory and constitutional rights by requiring him to submit a social security number as part
6 of the hiring process. Specifically, Plaintiff claims that being forced to carry a social security
7 number is akin to carrying the "mark of the beast," and that by forcing Hill to use a social
8 security number in the context of employment, both the private and federal Defendants have
9 violated his rights under Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e, the Free
10 Exercise Clause of the First Amendment to the United States Constitution, and the Religious
11 Freedom Restoration Act of 1993, 42 U.S.C. §§ 2000bb through 2000bb-4 ("RFRA").
12 Plaintiff requests relief in the form of damages totaling \$500,000.00, an injunction and a writ
13 of mandamus preventing the federal government from enforcing the federal statutes requiring
14 Plaintiff to obtain and use a social security number in the context of employment.

15 Hill's substantive claims are hardly novel. Federal courts have seen a number of
16 challenges to the mandatory provision of social security numbers by individuals who believe
17 that social security numbers are the "sign of the beast" or otherwise run counter to religious
18 precepts; none of these challenges have been successful. See Sutton v. Providence ST. Joseph
19 Med. Hosp. Ctr., 192 F.3d 826 (9th Cir. 1999); Miller v. Reed, 176 F.3d 1202 (9th Cir.
20 1999). In fact, the instant lawsuit is virtually identical to two lawsuits Hill has filed before
21 other Judges in the District of Arizona, Hill v. Promise Hospital of Phoenix, Inc., No. CV-
22 09-1958-PHX-JAT and Hill v. Premier Healthcare Services, LLC, No. CV-
23 09-1956-PHX-DGC. In Hill v. Premier Healthcare Services, Judge David G. Campbell
24 conclusively addressed several of Hill's substantive allegations. Judge Campbell, in ruling
25 on a motion to dismiss filed by a would-be private employer of Hill, dismissed with prejudice
26 the claims Hill had made under 42 U.S.C. § 1983, RFRA and Title VII related to the use of
27 a social security number as part of the company's hiring process. See Hill v. Premier
28 Healthcare Services, No. CV-09-1956-PHX-DGC, (Dkt.#16). As Judge Campbell noted,

1 “[t]he Ninth Circuit has clearly held that an employer . . . does not violate Title VII, and does
2 not become a state actor for purposes of § 1983 or the Religious Freedom Restoration Act,
3 when it complies with state and federal tax withholding requirements [and requires an
4 employee or job applicant to produce a social security number]. Sutton v. Providence St.
5 Joseph Medical Ctr., 192 F.3d 826, 830 (9th Cir. 1999).” See id. at Dkt.#24, p. 2.¹ Because
6 the legal duties owed by DNA Medical Staffing, LLC, David Nguyen, and Angelica Nguyen
7 are indistinguishable from those owed by the private defendants in Hill v. Premier Healthcare
8 Services, the Court sees no reason to depart from the Judge Campbell’s well reasoned Order,
9 which determined that Hill’s claims against a would-be employer lacked legal merit. As
10 such, Hill’s claims against DNA Medical Staffing, LLC, David Nguyen, and Angelica
11 Nguyen fail as a matter of law. Because the allegations raised against these private
12 Defendants lack a cognizable legal theory, the Court see no reason to address any of the
13 issues related to Plaintiff Hill’s allegedly unsuccessful attempt to serve process upon DNA
14 Medical Staffing, LLC, David Nguyen, and Angelica Nguyen.

15 With respect to Hill’s claims against the Federal Defendants, to survive a motion to
16 dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6), Hill’s “complaint must
17 contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible
18 on its face.’” Ashcroft v. Iqbal, 129 S.Ct. 1937, 1949 (2009) (quoting Bell Atl. Corp. v.

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20 ¹In Sutton v. Providence St. Joseph Medical Ctr., 192 F.3d 826, 830 (9th Cir. 1999),
21 a hospital did not hire the plaintiff after he refused to provide his social security number
22 during the hiring process because he believed that a social security number is the “mark of
23 the beast” prophesied in the Book of Revelations, Chapters 13 and 14. Id. at 830-31. The
24 plaintiff sued the hospital claiming, among others, violations of Title VII, RFRA and the First
25 Amendment. The Ninth Circuit acknowledged that under federal law, all employers are
26 required to withhold ceratin income taxes and social security taxes, and submit a report to
27 the Internal Revenue Service as to each individual employee, and that such reports require
28 identification of the employee by social security number. The court held that an employer is
not liable under Title VII when accommodating an employee’s religious beliefs would
require the employer to violate federal or state law. Because requiring the hospital to
accommodate the employee by waiving the mandatory provision of a social security number
would lead the hospital to violate federal and state laws, it would cause “undue hardship” as
a matter of law.

1 Twombly, 550 U.S. 544, 570 (2007). “Threadbare recitals . . . supported by mere conclusory
2 statements, do not suffice.” Iqbal, 129 S.Ct. at 1949. After carefully reviewing Hill’s
3 Amended Complaint, the Court notes that it is not altogether clear what specific factual
4 allegations Hill has raised against the Secretary of the Treasury and Commissioner of the
5 Social Security Administration. When construed in the light most favorable to Hill, the
6 claims contained in the Amended Complaint against the Federal Defendants appear to be no
7 more than general objections—based on Hill’s religious beliefs—to being assigned a social
8 security number by the federal government, as Hill’s Amended Complaint is replete with
9 arguments that mandating social security numbers violates the First Amendment along with
10 a myriad of federal statutes.

11 Assuming Hill’s claims against the Federal Defendants are best characterized as
12 general objections to the mandatory assignment and use of a social security number, these
13 types of arguments have been foreclosed by the U.S. Supreme Court in Bowen v. Roy, 476
14 U.S. 693 (1986). In Bowen, the High Court rejected an attempt to prevent the government
15 from requiring the issuance of a social security number, reasoning that “[t]he Free Exercise
16 Clause simply cannot be understood to require the Government to conduct its own internal
17 affairs in ways that comport with the religious beliefs of particular citizens,” and concluding
18 that an individual “may no more prevail on his religious objection to the Government’s use
19 of a Social Security number . . . than he could on a sincere religious objection to the size or
20 color of the Government’s filing cabinets.” Id. at 699-700. In light of the holding of Bowen,
21 Hill’s claims against the Federal Defendants must be similarly rejected as lacking legal
22 merit.²

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24 ²In addition, the Court notes that Hill’s request for the Court to issue an injunction and
25 writ of mandamus preventing the Federal Defendants or their agents from enforcing federal
26 laws requiring Hill to obtain and use a social security number in the employment context is
27 barred by the Anti-Injunction Act, 26 U.S.C. § 7421. See Hansen v. Dep’t of Treasury, 528
28 F.3d 597, 600-02 (9th Cir. 2007) (“the Anti-Injunction Act precludes federal jurisdiction .
.. unless [a plaintiff] is able to satisfy the judicially created exception to the Act by
demonstrating (1) irreparable injury if his case is not heard, and (2) certainty of success on

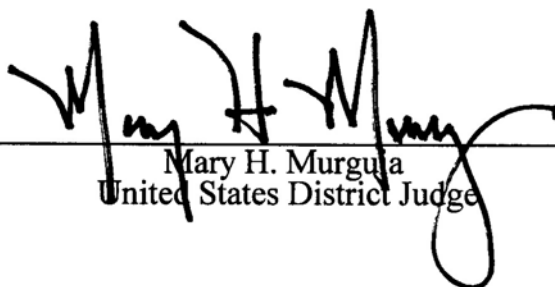
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Accordingly,

IT IS HEREBY ORDERED dismissing Plaintiff's Amended Complaint with prejudice and directing the Clerk to close this case and enter judgement accordingly.

IT IS FURTHER ORDERED denying as moot all of the pending Motions that have been filed by Plaintiff Darrell James Hill or Defendants DNA Medical Staffing, LLC, David Nguyen, Angelica Nguyen, the Secretary of the Treasury, and Commissioner of the Social Security Administration. (Dkt.##11,12,13,16,17,22,26.)

DATED this 3rd day of June, 2010.



Mary H. Murgula
United States District Judge

the merits.”).