

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KEVIN POLLINS,

Plaintiff,

v.

PRESIDENT BARACK OBAMA,

Defendant.

Civil Action No. 16-1517 (RDM)

MEMORANDUM OPINION AND ORDER

Pro se plaintiff Kevin Pollins filed this lawsuit against President Barack Obama alleging that the President is liable for copyright infringement for “plagiariz[ing]” various policy ideas from Pollins. *See* Dkt. 1-2 at 2. Specifically, Pollins alleges that he “pitched rebound ideas” about corporate taxes, the gas tax, price gouging, and the Patient Protection and Affordable Care Act. *Id.* As evidence, Pollins points to a line in the President’s most recent State of the Union address, stating that “someone somewhere made this possible.” *Id.* Pollins has also included a handwritten call log of communications between himself and the White House, *id.* at 3, as well as a series of handwritten letters he sent to the President suggesting various policy proposals, *id.* at 4–7. Pollins believes his ideas have helped “pa[y] down the national debt by 20%,” and he asks for \$250,000 per year in return for his consulting services. *Id.* at 1–2.

District courts may dismiss a complaint *sua sponte* under Federal Rule of Civil Procedure 12(b)(6) if “the plaintiff cannot possibly win relief.” *Best v. Kelly*, 39 F.3d 328, 331 (D.C. Cir. 1994) (internal quotation marks omitted). Here, Pollins seeks damages for copyright infringement for ideas that were not copyrightable. He also seeks damages from the President of

the United States for acts committed within the scope of the President’s executive authority—acts for which the President enjoys absolute immunity. *See Nixon v. Fitzgerald*, 457 U.S. 731, 748–56 (1982)). Finally, the complaint facially fails to allege a “plausible” claim for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The Court will therefore *sua sponte* dismiss the complaint with prejudice under Rule 12(b)(6).

SO ORDERED.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: August 2, 2016