

**FILED**

11/30/2020  
Clerk, U.S. District & Bankruptcy  
Court for the District of Columbia

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DAVID DURAN,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 20-2548 (UNA)
	)	
U.S. CONGRESS <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

This matter, brought *pro se* by a Texas state prisoner, is before the Court on initial review of plaintiff’s complaint and motion to proceed *in forma pauperis*. For the following reasons, the *in forma pauperis* motion will be granted and this case will be dismissed.

A district court must immediately dismiss a prisoner’s complaint upon determining that it, among other enumerated grounds, fails to state a claim upon which relief can be granted. 28 U.S.C. § 1915A. Plaintiff purports to sue the United States Congress and presumably the Texas Legislature under 42 U.S.C. § 1983, alleging “that U.S. Congress acted under color of state law to deprive final convicted felons of right or privilege . . . to vote for a President of United States in November 2020.” Compl. at 4. He requests the right to vote in the 2020 presidential election “by proxy.” *Id.*

Mootness aside, the U.S. Supreme Court has “held that a state has the power to disenfranchise persons convicted of a felony” without running afoul of the Fourteenth Amendment, *Shepherd v. Trevino*, 575 F.2d 1110, 1112 (5th Cir. 1978) (citing *In Richardson v. Ramirez*, 418 U.S. 24 (1974)), and the “Texas Constitution disenfranchises all persons convicted

