

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILFRED ALEXANDER PAGE,

Plaintiff,

v.

No. 1:19-cv-01027-MV/JHR

DONALD JOHN TRUMP,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on Plaintiff's Complaint and Request for Injunction, Doc. 1, filed November 5, 2019 ("Complaint").

Plaintiff has not paid the filing fee or filed an application to proceed *in forma pauperis*. The Court takes judicial notice of its recent order granting Plaintiff's application to proceed *in forma pauperis* in another case and grants Plaintiff leave to proceed *in forma pauperis* in this case. See Doc. 5, filed November 6, 2019, in *Page v. Purdue Pharma*, No. 1:19-cv-00944-WJ/SCY.

Plaintiff alleges the "25th Amendment of the Constitution of the United States of America section 4¹ / Racketeering (profiting off the Presidency / Defamation and slander against the American People / The Verbal Contract and Oath being Sworn into the Office of The Presidency" are at issue in this case and states the following facts underlying his claims:

Racketeering (Profiting of of the Presidency) / failure to abide to the public off in which he was sworn to creating a verbal contract with the people of the United States of America, time and again he has lied while under oath via his sworn statement of the Presidency of the United States of America. He is in direct violation of numerous illegal dealings as the President of The United States of America. The 25th Amendment of the Constitution of the United States of America Section 4 protects the Peoples of These United States of America from such action

¹ Section 4 of the 25th Amendment provides for the Vice President to assume the powers and duties of the office as Acting President when the President unable to discharge the powers and duties of his office.

committed by Donald J Trump. He is Profiting of of The Presidency and using it for his own Regime in which the American People have nothing to benefit from except having to foot the bill for his own failed business ventures and the Presidency is another of those failed ventures in which he has lost over 1 Billion Dollars towards illegal and corruptions example The Trump University in which he Stole money for tuition and lied to his constituents because he was Never accredited. His use of the Presidency as a Personal Trophy is just another of his Failed Illegal Ventruues.

[sic] Complaint at 3, 5. Plaintiff seeks the following relief

For the wellbeing of The United States of I request that a full Internal Investigation be done to find out the actual goings on of the day to day operations and any and all wrong doing be brought forth so that the proper legal steps can be done to rectify the actions of any illegal wrong doing by the Executive Branch and the Presidents Cabinet to the Presidency.


[sic] Complaint at 5.

The Complaint fails to state a claim upon which relief can be granted. Plaintiffs' allegations that Defendant violated federal laws fail to state a claim because the criminal statutes do not provide for private civil causes of action. *See Diamond v. Charles*, 476 U.S. 54, 64-65 (1986) (holding that private citizens cannot compel enforcement of criminal law). Furthermore, Plaintiff's allegations are conclusory and fail to state with any particularity what Defendant did to Plaintiff, when Defendant committed these alleged unspecified actions, or how those actions harmed Plaintiff. *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (“[C]onclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based . . . [and] in analyzing the sufficiency of the plaintiff's complaint, the court need accept as true only the plaintiff's well-pleaded factual contentions, not his conclusory allegations.”); *Nasious v. Two Unknown B.I.C.E. Agents, at Arapahoe County Justice Center*, 492 F.3d 1158, 1163 (10th Cir. 2007) (“[T]o state a claim in federal court, a complaint must explain what each defendant did to him or her; when the defendant did it; how the defendant's action harmed him or her; and, what specific legal right the plaintiff believes the defendant violated.”).

Finally, Plaintiff may not assert claims on behalf of other people of the United States, because Plaintiff, who is not an attorney admitted to practice in this Court, is not in a position to assert claims on behalf of others. *See Fymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000) (“A litigant may bring his own claims to federal court without counsel, but not the claims of others.”).

Plaintiff is proceeding *in forma pauperis*. The statute governing proceedings *in forma pauperis* states that “the court shall dismiss the case at any time if the court determines that . . . the action . . . fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2); *see also Webb v. Caldwell*, 640 F. App’x 800, 802 (10th Cir. 2016) (“We have held that a pro se complaint filed under a grant of *ifp* can be dismissed under § 1915(e)(2)(B)(ii) for failure to state a claim . . . only where it is obvious that the plaintiff cannot prevail on the facts he has alleged and it would be futile to give him an opportunity to amend.”). Because the Complaint fails to state a claim, the Court will dismiss this case.

IT IS ORDERED that this case is **DISMISSED** without prejudice.



MARTHA VÁZQUEZ
UNITED STATES DISTRICT COURT