

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WASHINGTON YOUNGGIL KIM,

Plaintiff,

- against -

BARACK OBAMA; MS. WARD,
Operation Supervisor of Social Security
Administration Brooklyn Card Center,

Defendants.

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KUNTZ, II, United States District Judge.

MEMORANDUM AND ORDER

13-CV-1677 (WFK)(RER)

Pro se plaintiff Washington Younggil Kim filed the instant civil action on March 27, 2013, along with a request to proceed *in forma pauperis*. Plaintiff alleges that on March 27, 2013, he was improperly denied a social security card at the Social Security Administration, Brooklyn Social Security Card Center. Plaintiff is granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. For the reasons discussed below, the complaint is dismissed as to President Barack Obama. Plaintiff's claims against defendant Ms. Ward shall proceed.

DISCUSSION

In reviewing plaintiff's complaint, the Court is mindful that, "[a] document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007) (*per curiam*) (internal quotation marks and citations omitted); Harris v. Mills, 572 F.3d 66, 72 (2d Cir. 2009) (citations omitted). Nonetheless, a district court shall dismiss an *in forma pauperis* action where it is satisfied that the action "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

Plaintiff fails to make any factual allegations against President Barack Obama and he appears to be named simply because of the position he holds. Therefore, all claims against President Barack Obama are dismissed pursuant to 28 U.S.C. §1915(e)(2)(B).¹

CONCLUSION

Accordingly, plaintiff's complaint is dismissed as to President Barack Obama pursuant to 28 U.S.C. §1915(e)(2)(B). No summons shall issue as to President Obama and the Clerk of Court is directed to amend the caption to reflect his dismissal from this action. Plaintiff's claims shall proceed against Ms. Ward, Operation Supervisor of Social Security Administration Brooklyn Card Center.

The United States Marshal Service is directed to serve the summons, complaint, and this Order upon the remaining defendant without prepayment of fees. A courtesy copy of the same papers shall be mailed to the United States Attorney for the Eastern District of New York. All pretrial matters are referred to Magistrate Judge Ramon E. Reyes, Jr.. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 269 U.S. 438, 444-45 (1962).

SO ORDERED.

s/WFK


WILLIAM F. KUNTZ, II
United States District Judge

April 22
Dated: March , 2013
Brooklyn, New York

¹ Even if plaintiff asserted factual allegations, the claims would still fail because President Barack Obama has absolute immunity from civil liability arising out of the execution of his duties. See Nixon v. Fitzgerald, 457 U.S. 731, 756 (1982).