

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

ANNA MARIE RIETHMILLER,)
v.)
Plaintiff,) Case No. 1:12CV00058
)
ELECTORS FOR THE STATE,)
Defendants.)
)
OPINION
)
By: James P. Jones
United States District Judge

Annamarie Riethmiller, Pro Se.

In her pro se Complaint, the plaintiff requests the court declare President Obama ineligible as a candidate for election to a second term because she contends that he was not born in the United States and has otherwise violated the Constitution. I will grant leave to proceed in forma pauperis but dismiss the case as frivolous. 28 U.S.C.A. § 1915(e)(2)(B)(i) (West 2006).

The court may dismiss frivolous cases *sua sponte*. *Cochran v. Morris*, 73 F.3d 1310, 1315-16 (4th Cir. 1996). A frivolous claim lacks “an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). A claim lacks an arguable basis in law when it is “based on an indisputably meritless legal theory.” *Id.* at 327.

The plaintiff lacks legal standing to assert the claims set forth in her Complaint and accordingly the court lacks subject-matter jurisdiction. *See Kerchner v. Obama*, 612 F.3d 204, 207 (3d Cir.), *cert. denied*, 131 S. Ct. 663 (2010); *Sibley v. Obama*, No. 12-cv-1 (JDB), 2012 WL 2016809, at *2 (D.D.C. June 6, 2012).

While the plaintiff's request for leave to proceed in forma pauperis will be granted, her Complaint will be dismissed.

A separate Order will be entered herewith.

DATED: October 4, 2012

/s/ James P. Jones
United States District Judge