

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 MATTHEW JAMES LINDSEY,

11 Plaintiff,

v.

12 DONALD J. TRUMP,

13 Defendant.

14 CASE NO. C17-1818-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.  
16 Coughenour, United States District Judge:

17 This matter comes before the Court *sua sponte*. On December 6, 2017, Magistrate Judge  
18 Brian Tsuchida granted Plaintiff's motion to proceed *in forma pauperis* and recommended the  
19 complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) prior to the issuance of a summons.  
20 (Dkt. No. 2).

21 Plaintiff lists the Defendant as Donald J. Trump, "Fmr. President of the United States."  
22 (Dkt. No. 3 at 2.) Plaintiff alleges violations of the Nuclear Non-Proliferation Act of 1978, 22  
23 U.S.C. § 3201 and the Treaty on the Prohibition of Nuclear Weapons. (*Id.* at 3.) He seeks the  
24 following relief: "Arrest of Chain of Command, Impeachment, allow a Military Tribunal." (*Id.*)  
25 Plaintiff includes no factual allegations in his complaint, but attached three documents—two  
26 articles from the website Wikipedia.org, and a Resolution from the United Nations Security

1 Council adopted on November 21, 2017. (Dkt. Nos. 3-1, 3-2, 3-3.)

2 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*  
3 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or  
4 seeks monetary relief from a defendant who is immune from such relief. “[A] complaint must  
5 contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its  
6 face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.  
7 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that  
8 allows the court to draw the reasonable inference that the defendant is liable for the misconduct  
9 alleged.” *Iqbal*, 556 U.S. at 678.

10 Plaintiff has neither presented a cognizable legal claim nor alleged facts that demonstrate  
11 his claim for relief is plausible. Plaintiff makes conclusory allegations that Defendant has  
12 violated a federal law and treaty, without providing any facts to support the claim. (Dkt. No. 3 at  
13 2.) The attachments to Plaintiff’s complaint do not help the Court to decipher his legal theory.  
14 Nor does Plaintiff state a cause of action that would allow him to bring his lawsuit. Plaintiff’s  
15 claim is also frivolous because it “lacks an arguable basis in fact or law.” *Neitzke v. Williams*,  
16 490 U.S. 319, 325 (1989).

17 Even in applying the Ninth Circuit’s directive to construe *pro se* complaints liberally, the  
18 Court cannot find that Plaintiff has stated a claim upon which relief can be granted. *See Hebbe v.*  
19 *Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). However, the Court will not dismiss a claim unless “it  
20 is absolutely clear that no amendment can cure the [complaint’s] defects.” *Lucas v. Dep’t of*  
21 *Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (citation omitted).

22 Accordingly, the Court ORDERS that Plaintiff shall file an amended complaint no later  
23 than twenty-one (21) days from the date of this order. In his amended complaint, Plaintiff must  
24 include a short and plain statement demonstrating to the Court that there is a legal basis for his  
25 claims against Defendant. Plaintiff shall identify facts that demonstrate Defendant violated the  
26 law and how Plaintiff is entitled to relief as a result of the violation. Finally, Plaintiff must

request forms of relief that the Court can actually grant.

The Clerk is DIRECTED to mail a copy of this order to Plaintiff at 1612 Bothell Everett Hwy, Suite 354, Mill Creek, WA 98012.

DATED this 7th day of December 2017.

William M. McCool  
Clerk of Court

s/Tomas Hernandez  
Deputy Clerk