

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

ORDER

15 This matter comes before the Court *sua sponte*. On December 6, 2017, Plaintiff was
16 granted leave to proceed *in forma pauperis*. On December 7, 2017, the Court reviewed Plaintiff's
17 complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and determined that it failed to state a claim
18 upon which relief could be granted. (Dkt. No. 4.) The Court issued a minute order, directing
19 Plaintiff to file an amended complaint within 21 days. (*Id.*) Plaintiff filed an amended complaint
20 on December 11, 2017. (Dkt. No. 6). Having reviewed the amended complaint, the Court again
21 finds Plaintiff has failed to state a claim upon which relief can be granted and DISMISSES the
22 complaint without prejudice and without further leave to amend.

23 Plaintiff's original complaint alleged that Defendant Donald J. Trump, the President of
24 the United States, violated the Nuclear Non-Proliferation Act of 1978 and the Treaty on the
25 Proliferation of Nuclear Weapons. (Dkt. No. 3 at 4.) Plaintiff requested relief of "Arrest of Chain
26 of Command & Impeachment, allow a Military Tribunal." (*Id.*) Plaintiff provided no factual

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1 allegations to support his claims, nor requested relief that this Court could provide. The Court
2 directed Plaintiff to file an amended complaint that included “a short and plain statement
3 demonstrating to the Court that there is a legal basis for his claims against Defendant” and to
4 “identify facts that demonstrate Defendant violated the law.” (Dkt. No. 4 at 2.)

5 Plaintiff’s amended complaint suffers from the same deficiencies. It is unclear what cause
6 of action Plaintiff alleges against President Trump, but he asserts that “Provisions of no
7 discrimination against ethnicity, and or race, and religious beliefs and or associations [and]
8 [m]ismanagement and attempted theft from Medicare, Medicaid” are at issue in the case. (Dkt.
9 No. 6 at 3.) He lists the events giving rise to his claim as “House of Representatives, by vote of
10 certain Republicans and or Senate Majority . . . [t]he Republicans and or Senate have made
11 proposals to defraud the Medicare/Medicaid Trusts.” (*Id.* at 5.) He seeks “[t]he dismissal and
12 termination of all governmental supporters of the current tax bill.” (*Id.* at 6.)

13 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*
14 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or
15 seeks monetary relief from a defendant who is immune from such relief. “[A] complaint must
16 contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its
17 face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.
18 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that
19 allows the court to draw the reasonable inference that the defendant is liable for the misconduct
20 alleged.” *Iqbal*, 556 U.S. at 678.

21 Plaintiff neither presents a cognizable legal theory nor offers plausible facts to support his
22 claim. In addition to failing to state a claim, Plaintiff’s claims are facially frivolous because they
23 lack “an arguable basis in fact or law.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Even in
24 applying the Ninth Circuit’s directive to construe *pro se* complaints liberally, the Court cannot
25 find that Plaintiff has stated a claim upon which relief can be granted. *See Hebbe v. Pliler*, 627
26 F.3d 338, 342 (9th Cir. 2010). The Court will not grant Plaintiff further opportunity to amend his

1 complaint because it has already done so and Plaintiff did not correct any of the stated
2 deficiencies.

3 For the foregoing reasons, Plaintiff's amended complaint is DISMISSED without
4 prejudice and without leave to amend. The Clerk is DIRECTED to close this case. The Clerk is
5 further DIRECTED to mail a copy of this order to Plaintiff at the address listed on the docket.

6 DATED this 14th day of December 2017.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE