

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 MATTHEW JAMES LINDSEY,

10 Plaintiff,

11 v.

12 DONALD J. TRUMP, *et al.*,

13 Defendants.

CASE NO. C18-0137-JCC

MINUTE ORDER

14  
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 February 5, 2018, Magistrate Judge  
18 Mary Alice Theiler granted Plaintiff's motion to proceed *in forma pauperis* and recommended  
19 the complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) prior to the issuance of a summons.  
20 (Dkt. No. 3.)

21 Plaintiff lists the Defendants as Donald J. Trump, Mike Pence, James Norman Mattis,  
22 Ronna Romney McDaniel, and Bob Paduchik (Dkt. No. 4 at 1–2.) Plaintiff alleges violations of  
23 18 U.S.C. § 205(d)(1), the Nuclear Non-Proliferation Act of 1978, 22 U.S.C. § 3201, 10 U.S.C.  
24 § 108 Armed Forces, House of Representatives Legislation, H.R. 8638, and the United Nations  
25 Nuclear Resolution and International Peace Maintenance Agreement. (*Id.* at 5.) He seeks the  
26 following relief: "Reconciliation of federal liabilities and termination of incompetent and

1 insufficient representation by the Governmental Fiduciary Agents” (*Id.*) Plaintiff includes no  
2 factual allegations about how he was harmed or how the Defendants violated the above  
3 provisions, but attached three documents to his complaint—an article from the website  
4 Wikipedia.org, a one page informational document on the Treaty on the Non-Proliferation of  
5 Nuclear Weapons, and a Resolution from the United Nations Security Council adopted on  
6 November 21, 2017. (Dkt. No. 4-1.)

7 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*  
8 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or  
9 seeks monetary relief from a defendant who is immune from such relief. “[A] complaint must  
10 contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its  
11 face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.  
12 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that  
13 allows the court to draw the reasonable inference that the defendant is liable for the misconduct  
14 alleged.” *Iqbal*, 556 U.S. at 678.

15 Plaintiff has neither presented a cognizable legal claim nor alleged facts that demonstrate  
16 his claim for relief is plausible. Plaintiff makes conclusory allegations that Defendant has  
17 violated federal laws and treaties, without providing any facts to support the claims. (Dkt. No. 4  
18 at 2–5.) The attachments to Plaintiff’s complaint do not help the Court to decipher his legal  
19 theory.

20 Nor does Plaintiff state a cause of action that would allow him to bring his lawsuit. 18  
21 U.S.C. § 205, is a federal criminal statute that prohibits executive branch employees from  
22 representing non-government entities in front of federal agencies. 22 U.S.C. § 3201 is a  
23 Congressional declaration regarding the use and transfer of nuclear materials. The other  
24 provisions he cites are not laws. (See Dkt. No. 4 at 5.) Plaintiff’s claim is therefore frivolous  
25 because it “lacks an arguable basis in fact or law.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

26 Even in applying the Ninth Circuit’s directive to construe *pro se* complaints liberally, the

1 Court cannot find that Plaintiff has stated a claim upon which relief can be granted. *See Hebbe v.*  
2 *Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). However, the Court will not dismiss a claim unless “it  
3 is absolutely clear that no amendment can cure the [complaint’s] defects.” *Lucas v. Dep’t of*  
4 *Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (citation omitted).

5 Accordingly, the Court ORDERS that Plaintiff shall file an amended complaint no later  
6 than fourteen (14) days from the date of this order. In his amended complaint, Plaintiff must  
7 include a short and plain statement demonstrating to the Court that there is a legal basis for his  
8 claims against Defendants. Plaintiff shall identify facts that demonstrate Defendants violated the  
9 law and how Plaintiff is entitled to relief as a result of the violation. Finally, Plaintiff must  
10 request forms of relief that the Court can actually grant.

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

13 DATED this 7th day of February 2018.

14 William M. McCool  
15 Clerk of Court

16 s/Tomas Hernandez  
17 Deputy Clerk