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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 CODY HART, et al.,

11 Plaintiffs,

12 v.

13 DONALD McDERMOTT, et al.,

14 Defendants.

CASE NO. C23-503 MJP

ORDER DENYING MOTION FOR  
RECONSIDERATION AND  
MOTION FOR CRIMINAL  
REFERRAL

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16 This matter comes before the Court on Plaintiffs' Motion for Reconsideration (Dkt. No.  
17 48) and Motion for Criminal Referral (Dkt. No. 49). Having reviewed both Motions and  
18 supporting materials, the Court DENIES both Motions.

19 The Court previously issued an Order dismissing this action with prejudice and without  
20 leave to amend. (Order of Dismissal (Dkt. No. 43).) In particular, the Court found that it lacked  
21 subject matter jurisdiction over the action because Plaintiffs lacked standing to pursue the claims  
22 they alleged. (Id. at 5-7.) The Court explained:

23 Article III of the Constitution limits the jurisdiction of federal courts to actual "cases" and  
24 "controversies." U.S. Const. art. III, § 2. "One element of the case-or-controversy

1 requirement is that plaintiffs must establish that they have standing to sue.” Clapper v.  
2 Amnesty Int’l USA, 568 U.S. 398, 408 (2013) (internal quotation and citation omitted).  
3 To establish standing “a plaintiff must show (1) [they have] suffered an injury in fact that  
4 is (a) concrete and particularized and (b) actual or imminent, not conjectural or  
5 hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant  
6 and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a  
7 favorable decision.” Friends of the Earth, Inc. v. Laidlaw Env’tl. Serv. Inc., 528 U.S. 167,  
8 180-81 (2000). “The plaintiff, as the party invoking federal jurisdiction, bears the burden  
9 of establishing these elements.” Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016). “[A]t  
10 the pleading stage, the plaintiff must clearly allege facts demonstrating each element.” Id.  
11 (internal quotation and citation omitted). And “a plaintiff cannot establish standing by  
12 asserting an abstract general interest common to all members of the public, no matter  
13 how sincere or deeply committed a plaintiff is to vindicating that general interest on  
14 behalf of the public.” Carney v. Adams, \_\_\_ U.S. \_\_\_, 208 L. Ed. 2d 305, 141 S. Ct. 493,  
15 499 (2020) (citation and quotation omitted).

9 Plaintiffs’ complaint fails to identify any concrete or particularized injury sufficient to  
10 confer standing as required under Article III. First, other than Hart, none of the other  
11 named Plaintiffs is alleged to have taken any action or suffered any injury. There are  
12 therefore no allegations that these individuals suffered any injury that might confer  
13 standing. Second, none of the Plaintiffs has identified any injury arising out of the alleged  
14 failure of McDermott and Weyrich to file criminal complaints or to publicly file their  
15 timely-obtained and timely-signed public bonds and oaths of office. Plaintiffs fail to  
16 identify any concrete, personal injury from these alleged omissions or untimely acts or an  
17 injury that could be redressed from the relief sought. At most, Plaintiffs have identified  
18 an injury to a public interest that is common to all members of the public. This is not a  
19 basis to satisfy the injury-in-fact requirement of standing. See Carney, 141 S. Ct. at 499.  
20 Based on the allegations, the Court finds that Plaintiffs lack standing to pursue all of their  
21 claims. The Court therefore DISMISSES this action for lack of subject matter  
22 jurisdiction.

16 (Id. at 5-6.)

17 Plaintiffs’ newly-identified evidence does not alter the fact that Plaintiffs continue not to  
18 have standing to pursue any of the claims alleged in this matter. Plaintiffs have not identified any  
19 personal injury sufficient to meet Article III’s standing requirements. The Court therefore  
20 DENIES the Motion for Reconsideration and DENIES the Motion for Criminal Referral. This  
21 matter shall remain closed.

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1 The clerk is ordered to provide copies of this order to Plaintiffs and all counsel.

2 Dated June 4, 2024.

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4 Marsha J. Pechman  
5 United States Senior District Judge

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