

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, none of the Plaintiffs has identified
11 any individual injury arising out of the alleged failure of Perkins, McDermott and
12 Weyrich to timely deposit their public bonds. Plaintiffs fail to identify any concrete,
13 personal injury from these alleged untimely acts or an injury that could be redressed from
14 the relief sought. At most, Plaintiffs have identified an injury to a public interest that is
15 common to all members of the public. This is not a basis to satisfy the injury-in-fact
16 requirement of standing. See Carney, 141 S. Ct. at 499. Second, Plaintiffs lack standing
17 to enforce the federal criminal statutes they have identified. See Allen v. Gold Country
18 Casino, 464 F.3d 1044, 1048 (9th Cir. 2006) (no private right of action for violation of
19 criminal statutes); Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973) (noting that “a
20 private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution
21 of another”). Based on the allegations in the Complaint, the Court finds that Plaintiffs
22 lack standing to pursue all of their claims.

16 (Id.)

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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