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6 UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 JOHN ROBERT DEMOS, JR.,

9 Plaintiff,

10 v.

11 ELON MUSK, *et al.*,

12 Defendants.

CASE NO. 2:24-cv-01581-RSL

ORDER OF DISMISSAL

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15 This matter comes before the Court on the “Amended Report and  
16 Recommendation” of the Honorable David W. Christel, United States Magistrate Judge.  
17 Dkt. # 9. Judge Christel recommends that plaintiff’s proposed complaint be dismissed  
18 without prejudice and that his *in forma pauperis* (“IFP”) application be denied because  
19 plaintiff failed to submit the affidavit required by a 1992 Bar Order, he has not shown  
20 imminent danger of serious physical injury as required by 28 U.S.C. § 1915(g), and his  
21 claims are patently frivolous. Having reviewed the Report and Recommendation,  
22 plaintiff’s various responses thereto (Dkt. # 10-17), the 1992 Bar Order, and the remainder  
23 of the record, the Court finds as follows: Doc 18

24 (1) Plaintiff’s motion to supplement the record with a memorandum to the  
25 United States Supreme Court, Dkt. # 10, is GRANTED. The document shall remain in the  
26 Court’s file, but plaintiff is advised that this filing will not bring the memorandum or the

1 arguments contained therein before the Supreme Court. Similarly, plaintiff's petition for a  
2 writ of mandamus from the Ninth Circuit, Dkt. # 17, will remain in the Court's file but is  
3 not thereby transmitted to or before the Court of Appeals.

4 (2) Plaintiff requests that unidentified Department of Corrections staff be held in  
5 contempt of Court for failure to provide plaintiff with legal envelopes and that the Court  
6 quash or otherwise invalidate infraction reports he receive in October 2024. The motions,  
7 Dkt. # 11 and # 16, are DENIED.

8 (3) Plaintiff's motion to certify a purported constitutional question regarding  
9 antitrust violations and/or unfair methods of competition to the United States Supreme  
10 Court, Dkt. # 12, is DENIED, as are the attached requests that the undersigned consider the  
11 merits of his complaint or otherwise allow his claims to proceed.

12 (4) Plaintiff's objections to the Report and Recommendation, Dkt. # 14, are  
13 overruled.


14 (5) Plaintiff's new imminent danger assertions, Dkt. # 15, are unavailing. That  
15 plaintiff, like the rest of the population, faces some risk of contracting COVID-19 does not  
16 establish an imminent danger of serious physical injury.

17 (6) The Court adopts the Amended Report and Recommendation.

18 (7) Plaintiff's proposed complaint is DISMISSED without prejudice, his IFP  
19 application is DENIED, and this case is closed.

20 (8) The Clerk is directed to send copies of this Order to plaintiff and to Judge  
21 Christel.

22  
23 DATED this 22nd day of November, 2024.

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25   
26 Robert S. Lasnik  
United States District Judge