

APPENDIX A
18-5006 Docket
General Docket
United States Court of Appeals for District of
Columbia Circuit

Court of Appeals Docket #: 18-5006
Docketed: 01/12/2018 **Termed:** 07/02/2018
Nature of Suit: 2195 Contract Product Liability
Church of Jesus Christ of Lat, et al v. Donald Trump
Appeal From: United States District Court for the
District of Columbia
Fee Status: Fee Paid

Case Type Information:
1) Civil US
2) United States
3)

Originating Court Information:
District: 0090-1 : 1:17-cv-01787-RC
Lead: 1:17-cv-01787-RC
Trial Judge: Rudolph Contreras, U.S. District Judge
Date Filed: 09/01/2017
Date Order/Judgment: 12/13/2017
Date NOA Filed: 12/26/2017

Prior Cases: None
Current Cases: None

Panel Assignment: Not available

A3

Church of Jesus Christ of Latter-day Saints,

Plaintiff - Appellee

Xiu Jian Sun, Spiritual Adam,

Plaintiff - Appellant

v.

Donald J. Trump, President of the USA,

Defendant - Appellee

01/12/2018 US CIVIL CASE docketed. [18-5006]
[Entered: 01/12/2018 01:20 PM]

01/12/2018 NOTICE OF APPEAL [1712784]
6 pg, 147.92 KB seeking review of a decision by the
U.S. District Court in 1:17-cv01787-
RC filed by Xiu Jian Sun. Appeal
assigned USCA Case Number: 18-
5006. [18-5006] [Entered: 01/12/2018
01:22 PM]

01/12/2018 CLERK'S ORDER [1712786] filed
2 pg, 46.72 KB directing party to file initial
submissions: APPELLANT
docketing statement due 02/12/2018.
APPELLANT certificate as to
parties due 02/12/2018.
APPELLANT statement of issues
due 02/12/2018. APPELLANT
underlying decision due 02/12/2018.
APPELLANT deferred appendix
statement due 02/12/2018.

01/22/2018 CERTIFIED MAIL RECEIPT
1 pg, 108.74 KB [1714521] received from Illegible
[signed for on 01/20/2018] for order
[1712788-2] sent to Appellant Xiu
Jian Sun [18-5006] [Entered:
01/24/2018 03:35 PM]

02/05/2018 DOCKETING STATEMENT
2 pg, 150.94 KB [1716748] filed by Xiu Jian Sun
[Service Date: 02/03/2018] [18-5006]
[Entered: 02/06/2018 02:52 PM]

02/05/2018 ENTRY OF APPEARANCE [17167
49] filed by Xiu Jian Sun. [18-5006]
[Entered: 02/06/2018 02:56 PM]

02/05/2018 TRANSCRIPT STATUS REPORT
2 pg, 101.13 KB [1716753] filed by Xiu Jian Sun
[Service Date: 02/03/2018]. Status
of Transcripts: Final - No
transcripts are needed for the
appeal. [18-5006] [Entered:
02/06/2018 03:00 PM]

02/05/2018 APPELLANT BRIEF [1716754]
11 pg, 592.11 KB filed by Xiu Jian Sun [Service Date:
02/03/2018] Length of Brief: 1,114
words. [18-5006] [Entered:
02/06/2018 03:04 PM]

02/05/2018 APPENDIX [1716755] filed by Xiu

1 pg, 40.7 KB show cause regarding motion for summary affirmance [\[1719622-2\]](#). Response to Order due 05/18/2018. The response may not exceed the length limitations established in the order. The Clerk is directed to mail this order to appellant by certified mail, return receipt requested and by 1st class mail. [18-5006] [Entered: 04/18/2018 11:43 AM]

04/18/2018 FIRST CLASS AND CERTIFIED MAIL SENT [1727097] with return receipt requested [Receipt No.7007 0710 0004 7196 9167] of order [\[1727093-3\]](#). Certified Mail Receipt due 05/18/2018 from Xiu Jian Sun. [18-5006] [Entered: 04/18/2018 11:47 AM]

04/30/2018 CERTIFIED MAIL RECEIPT
1 pg, 110.18 KB [1729168] received from Xiu Jian Sun [signed for on 04/27/2018] for order [1727097-2] sent to Appellant Xiu Jian Sun [18-5006] [Entered: 05/02/2018 03:08 PM]

05/08/2018 RESPONSE [1730596] to motion for summary affirmance [\[1719622-2\]](#) filed by Xiu Jian Sun [Service Date:

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APPENDIX B

USCA Case #18-5006 Document #1712786
Filed: 01/12/2018 Page 1 of 2

**United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 18-5006

September Term, 2017

1:17-cv-01787-RC

Filed On: January 12, 2018 [1712786]

Church of Jesus Christ of Latter-day Saints,

Appellee

Xiu Jian Sun, Spiritual Adam,

Appellant

v.

Donald J. Trump, President of the USA,

Appellee

ORDER

The notice of appeal was filed on December 26, 2017, and docketed in this court on January 12, 2018. It is, on the court's own motion,

ORDERED that appellant submit the documents listed below by the dates indicated.

Certificate as to Parties, Rulings, and Related Cases	February 12, 2018
Docketing Statement Form	February 12, 2018

Dispositive Motions, if any
(Original and 4 copies)

February 26, 2018

It is

FURTHER ORDERED that appellant submit a transcript status report every 30 days after the filing of the initial report, until all transcripts have been received. Within three days of receipt of all transcripts, appellant is directed to file a Final Status Report indicating the date the complete transcript was received. All reports must be served on the parties and each reporter. It is

FURTHER ORDERED that briefing in this case be deferred pending further order of the court.

The Clerk is directed to send a copy of this order to appellant by certified mail, return receipt requested, and by first class mail.

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk

The following forms and notices are available on the Court's website:

Attachments for Pro Se Parties Only:

Civil Docketing Statement Form

Entry of Appearance Form

Transcript Status Report Form

Memorandum Concerning Self-Representation

6. CASE INFORMATION:

a. District Court Docket No.

Civil Action 1:17-cv-01787-RC

Criminal _____ Miscellaneous _____

Bankruptcy Court Docket No.

Bankruptcy _____

Adversary _____ Ancillary _____

Tax Court Docket No. Tax _____

b. Review is sought of: Final Order

Interlocutory Order appealable as of right

Interlocutory Order certified for appeal

c. Name of judge who entered order being appealed:

Judge Rudolph Contreras Magistrate Judge _____

d. Date of order(s) appealed (use date docketed):

01/12/2018

e. Date notice of appeal filed: _____

f. Has any other notice of appeal been filed in this case?

Yes No If YES, date filed: _____

g. Are any motions currently pending in trial court?

Yes No If YES, date filed: _____

If YES, identify motion _____

h. Has a transcript of proceedings been ordered

pursuant to FRAP 10(b)? Yes No

If NO, why not? _____

i. Has this case been before the Court under another appeal number? Yes Appeal # _____ No

j. Are any cases involving the same underlying order or, to counsel's knowledge, involving substantially the same issue, currently pending before the District Court, this Court, another Circuit Court, or the

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USCA Case #18-5006 Document #1716749
Filed: 02/05/2018 Page 1 of 1

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

Case Caption: The Church of Jesus Christ of Latter-Day Saints, Servant: Xiu Jian Sun, the Spiritual Adam v. President of U.S.A. MR. Donald John Trump-Wang Xing Ren

Case No: 18-5006

Received Mail Room
February 05. 2018
United States Court of Appeals
District of Columbia Circuit

ENTRY OF APPEARANCE

The Clerk shall enter my appearance as Retained
 Pro Bono Appointed (CJA/FPD) Gov't
counsel
for the Appellant(s)/Petitioner(s) Appellee(s)/
Respondent(s) Intervenor(s)
 Amicus Curiae below:

Party Information

(List each represented party individually - Use an
additional blank sheet as necessary)

The Church of Jesus Christ of Latter-Day Saints,
Servant: Xiu Jian Sun, the Spiritual Adam

USCA Case #18-5006 Document #1716753
Filed: 02/05/2018 Page 1 of 1

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT
333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

Case Caption: The Church of Jesus Christ of
Latter-Day Saints, Servant: Xiu Jian Sun, the
Spiritual Adam v. President of U.S.A. MR.
Donald John Trump-Wang Xing Ren

Case No: 18-5006

Received Mail Room
February 05. 2018
United States Court of Appeals
District of Columbia Circuit

TRANSCRIPT STATUS REPORT

- Final - No transcripts are necessary for this appeal as the case was decided on the pleadings.
- Final - All transcripts necessary for the appeal have been completed and received.

Interim Part I - The following necessary transcripts have been ordered but not received

Date
Type of Proceeding
Court Reporter(s)

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Filed: 02/05/2018 Page 1 of 1

USCA Case #18-5006 Document #1716749
Filed: 02/05/2018 Page 1 of 1

USCA Case #18-5006 Document #1716748
Filed: 02/05/2018 Page 1 of 1

Certificate of Service

I hereby certify under penalty of perjury that on this February day of 3, 2018, I caused to be placed in the United States mail (first-class postage paid), copies of a "1) **Brief of Appellant**, 2) **Appendix of Appellant**, 3) Entry of Appearance, Civil Docketing Statement, Transcript Status Report Form, Memorandum Concerning Appointment of Counsel" address as follows

To: Fred E. Haynes
U.S. Attorney
Civil Process Clerk
555 Fourth Street, N.W., Room E-4110
Washington, DC 20530

February 03, 2018

Simon Chen

C1

APPENDIX C

USCA Case #18-5006 **Received Mail Room**
Document #1716754 February 05, 2018
Filed: 02/05/2018 United States Court of Appeals
Page 1 of 11 District of Columbia Circuit

No. 18-5006

IN THE
United States Court of Appeals
for the District of Columbia Circuit

THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, SERVANT:
XIU JIAN SUN, THE SPIRITUAL ADAM.

Plaintiffs - Appellants,

v.

PRESIDENT OF U.S.A. MR. DONALD JOHN
TRUMP - Wang Xing Ren, THE WHITE HOUSE
Defendant - Appellee.

On Appeal from the United States District Court
for the District of Columbia, Case No.
1:17-cv-1787 (Rudolph Contreras, District Judge)

BRIEF OF APPELLANT Xiu Jian Sun, the spiritual
Adam
The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam Pro Se
54-25 153rd St., 2FL, Flushing, NY 11355
646-675-0308

STATUTES & RULES

The Doctrine and Covenants Section 42

83. And thus ye shall do in all cases which shall come before you.
84. And if a man or woman shall rob, he or she shall be delivered up unto the law of the land.
85. And if he or she shall steal, he or she shall be delivered up unto the law of the land.
86. And if he or she shall lie, he or she shall be delivered up unto the law of the land.
87. And if he or she do any manner of iniquity, he or she shall be delivered up unto the law, even that of God.
88. And if thy brother or sister offend thee, thou shalt take him or her between him or her and thee alone; and if he or she confess thou shalt be reconciled.
89. And if he or she confess not thou shalt deliver him or her up unto the church, not to the members, but to the elders. And it shall be done in a meeting, and that not before the world.
90. And if thy brother or sister offend many, he or she shall be chastened before many.

- 4). And the woman was arrayed in purple and scarlet colour, and decked with gold and precious stones and pearls, having a golden cup in her hand full of abominations and filthiness of her fornication:
- 5). And upon her forehead was a name written, MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND ABOMINATIONS OF THE EARTH.
- 6). And I saw the woman drunken with the blood of the saints, and with the blood of the martyrs of Jesus: and when I saw her, I wondered with great admiration.
- 7). And the angel said unto me, Wherefore didst thou marvel? I will tell thee the mystery of the woman, and of the beast that carrieth her, which hath the seven heads and ten horns.
- 8). The beast that thou sawest was, and is not; and shall ascend out of the bottomless pit, and go into perdition: and they that dwell on the earth shall wonder, whose names were not written in the book of life from the foundation of the world, when they behold the beast that was, and is not, and yet is.
- 9). And here is the mind which hath wisdom. The seven heads are seven mountains, on which the woman sitteth.
- 10). And there are seven kings: five are fallen (Servant in accordance of order: Harold B. Lee, Spencer W. Kimball, Ezra Taft Benson, Howard W. Hunter, Gordon B. Hinckley. 1972-2008), and one is, and the other is not yet come (In

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4. I (servant) would like to request a Mandarin Chinese court interpreter for my appeal court day.

USCA Case #18-5006 Document #1716754
Filed: 02/05/2018 Page 7 of 11

STATEMENT OF THE CASE

1. The Lord god Jehovah sent the messenger, said to spiritual Adam through the angel, '**unjust judge.**' (不公正的法官)

USCA Case #18-5006 Document #1716754
Filed: 02/05/2018 Page 8 of 11

STATEMENT OF THE FACTS

1. The Lord god of hosts sent messenger through the angel said to servant: '**Pharisees don't even open the door.**' (Words given on the date of October 5th, 2015, on the way home from the court. (法利赛人连门都不开).
2. Jehovah, the Lord god of host, sent the son of god, (the revived Messiah) from God's temple gave words to servant, said: '**Pharisees not even move a finger of his.**' (法利赛的人一个手指头都不动)

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USCA Case #18-5006 Document #1716754
Filed: 02/05/2018 Page 10 of 11

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C) and Circuit Rule 32(a), I hereby certify that this Opening Brief for Appellants complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because the Brief contains 1114 words, excluding the parts of the Brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

I further certify that this Brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because the Brief has been prepared in Century Schoolbook 14- point font using Microsoft Word 2016.

Line spacing: Double

Dated: Queens, New York
February 03, 2018

Servant: Xiu Jian Sun, the spiritual Adam
Xiu Jian Sun, the spiritual Adam
54-25 153rd St., 2FL
Flushing NY 11355
646-675-0308
Plaintiffs

USCA Case #18-5006
Document #1716755
Filed: 02/05/2018
Page 1 of 61

Received Mail Room
February 05. 2018
United States Court of Appeals
District of Columbia Circuit

No. 18-5006

IN THE
**United States Court of Appeals
for the District of Columbia Circuit**

THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, SERVANT:
XIU JIAN SUN, THE SPIRITUAL ADAM.

Plaintiffs - Appellants,

v.

PRESIDENT OF U.S.A. MR. DONALD JOHN
TRUMP - Wang Xing Ren, THE WHITE HOUSE
Defendant - Appellee.

**On Appeal from the United States District
Court for the District of Columbia, Case No.
1:17-cv-1787 (Rudolph Contreras, District Judge)**

APPENDIX OF APPELLANT Xiu Jian Sun,
the spiritual Adam
The Church of Jesus Christ of Latter-day saints
Servant: Xiu Jian Sun, the spiritual Adam Pro Se
54-25 153rd St., 2FL,
Flushing, NY 11355
646-675-0308

Xiu Jian Sun. (td) Entered: 12/12/2017 45, C42

8. Order granting 3 Defendant's motion to dismiss. See document for details. Signed by Judge Rudolph Contreras on December 13, 2017. (lcrc2) Entered: 12/13/2017 49, C44
9. Notice of Appeal as to 6 Order on Motion to Dismiss by Xiu Jian Sun. Filing fee \$ 505, receipt number 4616088804. Fee Status: Fee Paid. Parties have been notified. (jf) Entered: 01/03/2018 51, C46
10. Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re 7 Notice of Appeal. (jf) Entered: 01/03/2018 53, C14

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Flushing, NY 11355
(646) 675-0308
PRO SE

v.
Defendant

DONALD JOHN TRUMP
President of the USA

represented by **Fred Elmore Haynes**
U.S. ATTORNEY'S OFFICE FOR
THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2550
Email: fred.haynesusdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/01/2017	1	COMPLAINT against DONALD JOHN TRUMP (Filing fee \$ 400, receipt number 4616086899) with Jury Demand filed by CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, XIU JIAN SUN. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf) (Entered: 09/01/2017)
09/01/2017		SUMMONS (3) Issued as to DONALD JOHN TRUMP, U.S.

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for details. Signed by Judge Rudolph Contreras on December 13, 2017. (Icrc2) (Entered: 12/13/2017)

12/26/2017 7 NOTICE Of APPEAL as to 6 Order on Motion to Dismiss by XIU JIAN SUN. Filing fee \$ 505, receipt number 4616088804. fee Status: Fee Paid. Parties have been notified. (Jf) (Entered: 01/03/2018)

01/03/2018 8 Transmission of the Notice of Appeal, OrderAppealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re 7 Notice of Appeal. (jf) (Entered: 01/03/2018)

PACER Service Center

Transaction Receipt

01/04/2018 14:16:14

PACER Login: xiujiansun Client Code:

Description: Docket Report (full)

Search Criteria: 1:17-cv-01787-RC

Billable Pages: 2 Cost: 0.20

https://ecf.dcd.uscourts.gov/cgi-bin/DktRpt.pl?607837544459275-L_1_0-1

for the District
COMPLAINT of Columbia

The complaint of the plaintiff, -god's servant, Xiu Jian Sun, the spiritual Adam respectfully shows and alleges as follows

1. Lord god of host sent the messenger through angel said to spiritual Adam: "**take him (her) to the law to confront it.**" (把他 (她) 带到法律面前去)
2. February 22, 2017. the Lord god of host Jehovah sent the messenger said to servant (Plaintiff) through the angel: "**wang xing ren**"¹. (汪星人)
3. The Revelation of St John the Divine Chapter 17
 - 1). And there came one of the seven angels which the seven vials, and talked with me, saying unto me, Come hither; I will shew unto thee the judgment of the great whore that sitteth upon many waters:
 - 2). With whom the **kings**² of the earth have committed fornication* (**Look! President Donald John Trump² - Wang Xing Ren; Obama Barack -King Herod; George W. Bush; Bill Clinton; George H. W. Bush; Ronald Reagan; Jimmy Carter; Gerald Ford; Richard Nixon**) , and the

1. VI. CAUSE OF ACTION.

2. VI. CAUSE OF ACTION.

wonder, whose names were not written in the book of life from the foundation of the world, when they behold the beast that was, and is not, and yet is.

9). And here is the mind which hath wisdom. The seven heads are seven mountains, on which the woman sitteth.

10). And there are seven kings: five are fallen (**Servant in accordance of order: Harold B. Lee, Spencer W. Kimball, Ezra Taft Benson, Howard W. Hunter, Gordon B. Hinckley. 1972-2008**), and one is, and the other is not yet come (**In the year of 2010, when reading this, Jehovah, -the Lord god of host sent the messenger said to servant in heart, “They are like this in their previous life.”**); and when he cometh, he must continue a short space.

4. The Doctrine and Covenants Section 42

83. And thus ye shall do in all cases which shall come before you.

84. And if a man or woman shall rob, he or she shall be delivered up unto the law of the land.

85. And if he or she shall steal, he or she shall be delivered up unto the law of the land.

86. And if he or she shall lie, he or she shall be delivered up unto the law of the land.

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servant (Plaintiff) in the temple he made, "**Trial with god's law. Apply for jury to prevent insult and unfair behavior.**"

7. I (servant) would like to request a Mandarin Chinese court interpreter for my appeal court day,

It is the savior redeemer of servant, -Jesus Christ, says with father's order. Amen.

Dated: September 1, 2017
Queens, New York

The Church of Jesus Christ of Latter-day saints

Servant: Xiu Jian Sun, the spiritual Adam
Xiu Jian Sun, the spiritual Adam
54-25 153rd St., 2FL
Flushing, NY 11355
646-675-0308
Plaintiff

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN EN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY

	PJF	OFT
Citizen of this State	— 1	— 1
Citizen of Another State	— 2	— 2
Citizen or Subject of a Foreign Country	<u>x</u> 3	— 3
Incorporated or Principal Place of Business in This State	— 4	— 4
Incorporated and Principal Place of Business in Another State	— 5	— 5
Foreign Nation	6	6

IV. CASE ASSIGNMENT AND NATURE OF SUIT

Place an X in one category, A-N, that best represents our Cause of Action and one in a corresponding Nature of Suit

- A. Antitrust
- B. Personal Injury/
Malpractice
- 410 Antitrust
- 310 Airplane
- C. Administrative
Agency Review
- 315 Airplane Product
Liability
- 151 Medicare Act
- 320 Assault, Libel &

- & Ejectment
- __ 240 Torts to Land
- __ 245 Tort Product Liability
- __ 290 All Other Real Property
- Personal Property
 - __ 370 Other Fraud
 - __ 371 Truth in Lending
 - __ 380 Other Personal Property Damage
 - __ 385 Property Damage Product Liability
- Bankruptcy
 - __ 422 Appeal 27 USC 158
 - __ 423 Withdrawal 28 USC 157
- Prisoner Petitions
 - __ 535 Death Penalty
 - __ 540 Mandamus & Other
 - __ 550 Civil Rights
 - __ 555 Prison Conditions
 - __ 560 Civil Detainee — Conditions of Confinement
- Property Rights
 - __ 820 Copyrights
- __ 690 Other
- Other Statutes
 - __ 375 False Claims Act
 - __ 376 Qui Tam (31 USC 3729(a))
 - __ 400 State Reapportionment
 - __ 430 Banks & Banking
 - __ 450 Commerce/ ICC Rates/etc.
 - __ 460 Deportation
 - __ 462 Naturalization Application
 - __ 465 Other Immigration Actions
 - __ 470 Racketeer Influenced & Corrupt Organization
 - __ 480 Consumer Credit
 - __ 490 Cable/ Satellite TV
 - __ 850 Securities/ Commodities/ Exchange
 - __ 896 Arbitration
 - __ 899 Administrative Procedure Act/ Review or Appeal

- 75I Family and Accommodations
- Medical Leave Act
- 440 Other Civil
- 790 Other Labor Litigation Rights
- 79I Empl, Ret. Inc.
- Security Act, 445 Americans w/
- Disabilities —
- Employment
- M. Contract** 446 Americans w/
- 110 Insurance Disabilities-Other
- 120 Marine 448 Education
- 130 Miller Act
- 140 Negotiable Instrument **— N. Three-Judge**
- 150 Recovery of Overpayment Court
- & Enforcement of Judgment 441 Civil Rights-
- 153 Recovery of Overpayment Voting (if Voting
- of Veteran's Benefits rights Act)
- 160 Stockholder's Suits
- x 190 Other Contracts
- x 195 Contract Product Liability
- 196 Franchise

V. ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify) _____
- 6 Multi-district Litigation
- 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL

is submitted to the Clerk of Court For each civil complaint filed. Listed below are tips for completing the civil cover sheet, These tips coincide with the Roman Numerals on the cover sheet.

I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but riot Washington, DC, and 99999 if plaintiff is outside the United States.

III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.

IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the Case.

VI. CAUSE OF ACTION. Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.

VIII. RELATED CASE(S), If ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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I, Simon Chen, hereby state that:

On the 7 day of September, 2017, I caused to be deposited in the United States Mail a copy of the summons and complaint in the above captioned case, postage prepaid, return receipt requested, restricted delivery, addressed to the following defendant:

PRESIDENT OF U.S.A. MR.
DONALD JOHN TRUMP - Wang Xing Ren
The White House
1600 Pennsylvania Avenue NW.
Washington, DC 20500

U.S. Attorney Civil Process Clerk
555 4th Street, NW
Washington, DC 20530

U.S. Attorney General U.S. Department of
Justice
950 Pennsylvania Avenue, NW
Washington, DC20530

I declare under penalty of perjury that the foregoing is true and correct.

09/07/2017

Simon Chen

RECEIVED
SEP 12 2017
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

12(b)(6) (failure to state a claim upon which relief can be granted).

In order to proceed against the President in his official capacity, there must be a waiver of sovereign immunity that permits such an action, based on the factual allegations of the complaint. The complaint does not cite any such authority, and there are no factual allegations in the complaint, as that term is commonly understood, much less any factual allegations that would suggest the existence of a waiver of sovereign immunity. To the extent that plaintiff may be attempting to sue the President in his personal capacity, such an attempt is precluded by *Nixon v. Fitzgerald*, 457 U.S. 731 (1982) (in light of the special nature of the President's constitutional office and functions, absolute presidential immunity exists from damages liability for acts within the outer perimeter of the President's official responsibility).

The complaint should also be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted. The complaint and its attachments appear to relate to issues of theological doctrine, not factual issues that can be resolved by a federal court. As explained in *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009), Rule 8 "marks a notable and generous departure from the hyper-technical code-pleading regime of a prior era, but it does not unlock the doors of discovery for a plaintiff armed with

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JESSIE K. LIU, D.C. Bar #472845
United States Attorney

DANIEL F. VAN HORN, D.C. Bar #924092
Chief, Civil Division

BY: /s/ Fred E. Haynes
FRED E. HAYNES, D.C. Bar #165654

Assistant United States Attorney
555 Fourth Street, N.W., Room E-4110
Washington, D.C. 20530
202.252.255
fred.haynes@usdoj.gov

USCA Case #18-5006 Document #1716755
Filed: 02/05/2018 Page 45 of 61

Case 1:17-cv-01787-RC Document 3
Filed: 11/27/17 Page 6 of 6

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing motion to dismiss to be served by first class mail, postage prepaid, this 27th day of November, 2017, on:

Mr. Xiu Jian Sun
54-25 153rd Street, 2d Floor
Flushing, N.Y. 11355

/s/Fred E. Haynes
Fred E. Haynes, D.C. Bar # 165654
Assistant United States Attorney
555 4th Street, N.W., Room E-4110
Washington, D.C. 20530
(202)252.2550
fred.haynes@usdoj.gov

consequences of the failure to respond to a dispositive motion. See also *Neal v. Kelly*, 963 F.2d 453, 456 (D.C. Cir. 1992). “That notice... should include an explanation that the failure to respond ... may result in the district court granting the motion and dismissing the case.” *fox*, 837 F.2d at 509. The Court hereby advises Plaintiffs of their obligations under the Federal Rules of Civil Procedure and the Local Civil Rules. If they fail to submit a memorandum responding to Defendant’s motion, the Court may treat the motion as conceded, grant the motion, and dismiss the complaint. If they comply with their obligations

Under the Federal and Local Rules, they are advised that when the Court rules on Defendant’s motion, the Court will take into consideration the facts proffered in the complaint, along with any response or opposition to Defendant’s motion.

Accordingly, it is hereby **ORDERED** that Plaintiffs shall respond to Defendant’s motion to dismiss (ECF No.3) on or before **December 29, 2017**. If Plaintiffs neither respond nor move for an extension of time by that date, the Court may treat the motion as conceded and dismiss Plaintiffs’ complaint.

SO ORDERED.

Dated: November 28, 2017

RUDOLPH CONTRERAS
United States District Judge

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Case 1:17-cv-01787-RC Document 5
Filed: 12/08/17 Page 3 of 4

AFFIDAVIT OF MAILING

I hereby certify under penalty of perjury that on this 6th day of December, 2017, I caused to be placed in the United States mail (first class postage paid), copies of a "Response to Motion" address as follows:

To: Fred E. Haynes
U.S. Attorney
Civil Process Clerk
555 Fourth Street, N.W., Room E-4110
Washington, DC 20530

Simon Chen
169-51 25th Ave
Whitestone, NY 11357

President Trump seeks dismissal, arguing that the complaint and its attachments appear to relate to issues of theological doctrine, not factual issues that can be resolved by a federal court, and that the complaint cites no authority allowing Plaintiffs to proceed against the President in his official capacity. Mot. Dismiss at 1-2, ECF No. 3. In response to Defendant's motion to dismiss, Plaintiffs offer only an additional religious message. See Response to Mot., ECF No. 5. They also submit a proposed order, which appears to concur with dismissal so long as it is without prejudice. See Proposed Order at 5 ("ORDERED that the motion is granted; and it is further ORDERED that this case is dismissed without prejudice."), ECF No. 5. Because the Court agrees with Defendant Trump that Plaintiffs' complaint falls woefully short of the pleading requirements set out in the Federal Rules of Civil Procedure and because Plaintiffs apparently agree that this action should be dismissed, the Court hereby **DISMISSES** this action without prejudice.

SO ORDERED.

Dated: December 13, 2017

RUDOLPH CONTRERAS
United States District Judge

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this action on the 13 day of December, 2017.

Dated: December 20, 2017
Queens, New York

The Church of Jesus Christ of Latter-day saints

Servant:

Xiu Jian Sun, the spiritual Adam
54-25 153rd St 2FL
Flushing, NY 11355
646-675-0308
Plaintiffs

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DEC 26 2017
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

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APPENDIX D

USCA Case #18-5006 Document #1717528
Filed: 02/12/2018 Page 1 of 3

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

18-5006 (C.A. No. 17-1787)

CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, et al,
Appellants,

v.

DONALD J. TRUMP
President of the United States,
Appellee.

**FEDERAL APPELLEE'S CERTIFICATE OF
COUNSEL AS
TO PARTIES, RULINGS, AND RELATED CASES**

Pursuant to this Court's January 12, 2018, Order and Circuit Rule 28(a)(1), counsel for Appellee file this certificate as to parties, rulings, and related cases.

I. Parties

The Appellant is Xiu Jian Sun, Spiritual Adam, who was a Plaintiff in the District Court. The Church of Jesus Christ of Latter-day Saints (the "Church") was also listed as a plaintiff in the District Court and is

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Filed: 02/12/2018 Page 3 of 3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of February, 2018, the foregoing federal Appellee's Certificate of Counsel as to Parties, Rulings, and Related Cases and Entry of Appearance have been served by first-class mail, postage pre-paid, and addressed as follows:

Xiu Jian Sun
54-25 153rd Street
Second Floor
Flushing, NY 11355

/s/ Fred E. Haynes
FRED E. HAYNES
Assistant United States Attorney
Judiciary Center Building
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-2550
fred.haynes@usdoj.gov

Counsel Information

Lead Counsel: Fred E. Haynes, Assistant United States Attorney

Direct Phone: (202) 252-2550 Fax: (202) 252-2599
Email: fred.haynes@usdoj.gov

2nd Counsel: R. Craig Lawrence, Assistant United States Attorney

Direct Phone: (202) 252-2543 Fax: (202) 252-2599
Email: craig.Lawrence@usdoj.gov

3rd Counsel:

Direct Phone: Fax: Email:

Firm Name: United States Attorney's Office - District of Columbia

Firm Address: 555 Fourth Street, N.W., Washington, D.C. 20530

Firm Phone: (202) 252-2563 Fax: (202) 252-2599
Email:

Notes: This form must be submitted by a member of the Bar of the U.S. Court of Appeals for the D.C. Circuit. **Names of non-member attorneys listed above will not be entered on the court's docket.** Applications for admission are available on the court's web site at <http://www.cadc.uscourts.gov/>.

Saints (hereafter, "Church"), which is described as appearing pro se; and Xiu Jian Sun, who characterizes himself as "the spiritual Adam" and who is also described on the docket as appearing pro se. The defendant is President Trump. Appellant Xiu filed this case, but there is no indication that he is a lawyer or that he has in any way been authorized to file the case on behalf of the Church.

The complaint does not contain factual allegations as that term is commonly understood. Instead, it appears to make a theological argument, e.g., the first paragraph states "Lord god of host [sic] sent the messenger through angel said to spiritual Adam: **take him (her) to the law to confront it.**" [emphasis in original.]

II.

In the District Court, appellee moved to dismiss the case pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(1) (no waiver of sovereign immunity that would permit subject matter jurisdiction over the President) and 12(b)(6) (failure to state a claim upon which relief can be granted). Appellee also argued that the Church should be dismissed as a party: An artificial entity, whether a corporation or some other non-natural person, can only act in court through agents.

The District Court dismissed the case without prejudice. It agreed with appellee "that Plaintiffs

can be resolved by a court. As explained in *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009), Rule 8 "marks a notable and generous departure from the hyper-technical code-pleading regime of a prior era, but it does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions." "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Id.* at 678 (emphasis added). Furthermore, a complaint may be dismissed on jurisdictional grounds when it "is 'patently insubstantial,' presenting no federal question suitable for decision." *Tooley v. Napolitano*, 586 F.3d 1006, 1009 (D.C. Cir. 2009) (quoting *Best v. Kelly*, 39 F.3d 328, 330 (D.C. Cir. 1994)). In addition, the "federal courts are without power to entertain claims otherwise within their jurisdiction if they are 'so attenuated and unsubstancial as to be absolutely devoid of merit.'" *Hagans v. Lavine*, 415 U.S. 528, 536-7 (1974) (quoting *Newburyport Water Co. v. Newburyport*, 193 U.S. 561,579 (1904)).

Furthermore, the Church cannot appear prose. *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993) (a corporation or other non-natural person can only act in court through agents). There is no attorney representing the Church in this action. This provides an additional ground for dismissing the Church. As previously noted, there is nothing in the record indicating or suggesting that the

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CERTIFICATE OF WORD COUNT

In accordance with FRAP 32(a)(7)(C), I certify that this motion was prepared using 14-point Times New Roman font and contains 1,001 words, as counted by Microsoft Word 2016.

Fred E. Haynes
/s/ Fred E. Haynes
FRED E. HAYNES
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2018, the foregoing motion for summary affirmance has been served by first-class mail, postage pre-paid, and addressed as follows:

Xiu Jian Sun
54-25 153rd Street Second Floor
Flushing, NY 11355

Fred E. Haynes
/s/ Fred E. Haynes
FRED E. HAYNES
Assistant United States Attmney
Judiciary Center Building
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-2550
fred.haynes@usdoj.gov

resolved by a federal court, and that the complaint cites no authority allowing Plaintiffs to proceed against the President in his official capacity. Mot. Dismiss at 1-2, ECF No. 3. In response to Defendant's motion to dismiss, Plaintiffs offer only an additional religious message. See Response to Mot., ECF No. 5. They also submit a proposed order, which appears to concur with dismissal so long as it is without prejudice. See Proposed Order at 5 ("ORDERED that the motion is granted; and it is further ORDERED that this case is dismissed without prejudice."), ECF No. 5. Because the Court agrees with Defendant Trump that Plaintiffs' complaint falls woefully short of the pleading requirements set out in the Federal Rules of Civil Procedure and because Plaintiffs apparently agree that this action should be dismissed, the Court hereby **DISMISSES** this action without prejudice.

SO ORDERED.

Dated: December 13, 2017

RUDOLPH CONTRERAS
United States District Judge

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Queens, New York
The Church of Jesus Christ of Latter-day saints

Servant: Xiu Jian Sun, the spiritual Adam
Xiu Jian Sun, the spiritual Adam
54-25 153rd St., 2FL,
Flushing, NY 11355
646-675-0308
Plaintiffs

cc: Fred E. Haynes
U.S. Attorney Civil Process Clerk
555 Fourth Street, N.W., Room E-4110,
Washington, DC 20530

1. In the Appendix of Appellant, Page 45
2. In the Brief of Appellant, Page 4

decided without a response. The response to the order to show cause may not exceed the length limitations established by Fed. R. App. P. 27(d)(2) (5,200 words if produced using a computer; 20 pages if handwritten or typewritten). If appellant does not file a response by May 18, 2018, the court will consider appellee's motion for summary affirmance based on the filings the court has received as of that date.

The Clerk is directed to send a copy of this order to appellant by certified mail, return receipt requested, and by first class mail.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

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Filed: 07/02/2018 Page 1 of 2

**United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 18-5006

September Term, 2017

1:17-cv-01787-RC

Filed On: July 2, 2018

Church of Jesus Christ of Latter-day Saints,

Appellee

Xiu Jian Sun, Spiritual Adam,

Appellant

v.

Donald J. Trump, President of the USA,

Appellee

BEFORE: Kavanaugh and Katsas, Circuit Judges;
Sentelle, Senior Circuit Judge

ORDER

Upon consideration the motion for summary affirmance, the court's April 18, 2018 order to show cause why the motion for summary affirmance should not be considered and decided without a response, and the response thereto, and appellant's brief and appendix, it is

ORDERED that the order to show cause be