

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5344

September Term, 2018

1:18-cv-01488-UNA

Filed On: March 1, 2019

Mary Jo Weidrick,

Appellant

v.

Donald J. Trump, President,

Appellee

BEFORE: Henderson, Srinivasan, and Millett, Circuit Judges

ORDER

Upon consideration of this court's November 28, 2018 order to show cause why this appeal should not be dismissed as untimely, appellant's December 17, 2018 response thereto, and appellant's brief received by this court on September 21, 2018, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that appellant's brief received by this court on September 21, 2018 be construed as a timely notice of appeal. See Smith v. Barry, 502 U.S. 244, 248-49 (1992); United States v. Gooch, 842 F.3d 1274, 1277-79 (D.C. Cir. 2016); Fed. R. App. P. 4(a)(1)(B), (d). The Clerk is directed to transmit appellant's brief to the district court for filing as a notice of appeal filed on September 21, 2018. See Fed. R. App. P. 4(d). It is

FURTHER ORDERED, on the court's own motion, that oral argument will not assist the court in this case. Accordingly, the court will dispose of the appeal without oral argument on the basis of the record and the presentations in the brief. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j).

Per Curiam

FILED

JUL 19 2018

Clark, U.S. District & Bankruptcy
Courts for the District of Columbia

Mary Jo Weidrick,)
Plaintiff,)
v.)
Donald J. Trump,)
Defendant.)
Civil Action No. 18-1488 (UNA)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is
ORDERED that plaintiff's application to proceed *in forma pauperis* [Dkt. 2] is
GRANTED, and this case is DISMISSED without prejudice.

This is a final appealable Order.

Amy B. St.

United States District Judge

Date: July 19, 2018

FILED

JUL 19 2018

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Mary Jo Weidrick,)
)
Plaintiff,)
)
v.) Civil Action No. 18-1488 (UNA)
)
Donald J. Trump,)
)
Defendant.)

MEMORANDUM OPINION

This matter is before the Court on its initial review of plaintiff's *pro se* complaint and application for leave to proceed *in forma pauperis*. The Court will grant the *in forma pauperis* application and dismiss the case pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) (requiring dismissal of a case upon a determination that the complaint fails to state a claim upon which relief may be granted).

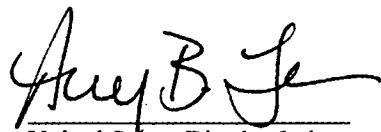
Pro se litigants must comply with the Federal Rules of Civil Procedure. *Jarrell v. Tisch*, 656 F. Supp. 237, 239 (D.D.C. 1987). Rule 8(a) of the Federal Rules of Civil Procedure requires complaints to contain "(1) a short and plain statement of the grounds for the court's jurisdiction [and] (2) a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a); *see Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009); *Ciralsky v. CIA*, 355 F.3d 661, 668-71 (D.C. Cir. 2004). The Rule 8 standard ensures that defendants receive fair notice of the claim being asserted so that they can prepare a responsive answer and an adequate defense and determine whether the doctrine of *res judicata* applies. *Brown v. Califano*, 75 F.R.D. 497, 498 (D.D.C. 1977). In addition, a "complaint must contain sufficient factual matter,

accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Iqbal*, 556 U.S. at 678, quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

Plaintiff, a resident of Sarasota, Florida, sues President Donald Trump as the “known and primary Defendant.” Compl. at 1. She “does not know the identity of most of the Defendants” but wishes to “be heard” nonetheless. Plaintiff alleges, among other things, that “Defendants have willfully with criminal intent, denied [her] Sixth Amendment right to counsel.” Compl. ¶ 1. Plaintiff suggests that she has been denied access to criminal defense attorney Mark J. Geragos and perhaps former United States Senator Kelly Ayotte, *see id.* ¶¶ 8-10, who allegedly “have evidence of Defendants’ illegal and unconstitutional acts of many years against Plaintiff,” *id.* ¶ 2. Plaintiff seeks, among other relief, to have Geragos and Ayotte “assigned and otherwise allowed to confer with her immediately *ex parte*,” *id.* ¶ 23 (emphasis in original), and “compensatory, punitive and special damages in undisclosed amounts,” *id.* ¶ 25.

Plaintiff has alleged no facts implicating the President of the United States in the alleged constitutional deprivations, nor can she plausibly assert any such facts since matters pertaining to the Sixth Amendment right to counsel are generally the province of the judiciary in “criminal prosecutions.” U.S. Const. amend. VI. Nothing in the complaint suggests that plaintiff is facing a criminal prosecution in this judicial district. So, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: July 19, 2018



United States District Judge

**Additional material
from this filing is
available in the
Clerk's Office.**