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Appendix A

19-5197 Docket

**General Docket United States Court of Appeals
for District of Columbia Circuit**

Court of Appeals Docket #: 19-5197

Docketed: 07/09/2019

Termed: 11/08/2019

Nature of Suit: 2195 Contract Product Liability

Xiu Sun, 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 : 1:18-cv-02820-RC

Lead: 1:18-cv-02820-RC

Trial Judge: Rudolph Contreras, U.S. District Judge

Date Filed: 11/26/2018

Date Order/Judgment: **Date NOA Filed:**
05/06/2019 06/28/2019

Prior Cases: None

Current Cases: None

Panel Assignment: Not available

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Xiu Jian Sun, The Spiritual Adam

Plaintiff - Appellant

Xiu Jian Sun

Direct: 646-675-0308

[NTC Pro Se]

54-25 153rd Street Second Floor

Flushing, NY 11355

Church of Jesus Christ of Latter-day Saints

Plaintiff - Appellee

v.

Donald J. Trump, President of U.S.A., Mr.

Defendant - Appellee

Patricia King McBride, Esquire,

Assistant U.S. Attorney

Email: patricia.mcbride@usdoj.gov

[COR LD NTC Gvt US Attorney]

U.S. Attorney's Office

(USA) Appellate Division

Firm: 202-252-6829

555 4th Street, NW

Washington, DC 20530

R. Craig Lawrence

Email: craig.lawrence@usdoj.gov

[COR NTC Gvt US Attorney]

U.S. Attorney's Office

(USA) Civil Division

Firm: 202-252-2500

555 4th Street, NW

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Washington, DC 20530

Xiu Jian Sun, The Spiritual Adam,
Plaintiff - Appellant
Church of Jesus Christ of Latter-day Saints,
Plaintiff - Appellee

v.

Donald J. Trump, President of U.S.A., Mr.,
Defendant – Appellee

07/09/2019 US CIVIL CASE docketed. [19-5197]
[Entered: 07/09/2019 12:38 PM]

07/09/2019 9 pg, 217.04 KB NOTICE OF
APPEAL [1796369] seeking review of
a decision by the U.S. District Court
in 1:18-cv02820-RC filed by Xiu Jian
Sun. Appeal assigned USCA Case
Number: 19-5197. [19-5197] [Entered:
07/09/2019 12:38 PM]

07/09/2019 3 pg, 47.5 KB CLERK'S ORDER
[1796375] filed directing party to file
initial submissions: APPELLANT
docketing statement due 08/08/2019.
APPELLANT certificate as to parties
due 08/08/2019. APPELLANT
statement of issues due 08/08/2019.
APPELLANT underlying decision
due 08/08/2019. APPELLANT

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deferred appendix statement due 08/08/2019. APPELLANT notice of appearance due 08/08/2019. APPELLANT transcript status report due 08/08/2019. APPELLANT procedural motions due 08/08/2019. APPELLANT dispositive motions due 08/23/2019; directing party to file initial submissions: APPELLEE certificate as to parties due 08/08/2019. APPELLEE entry of appearance due 08/08/2019. APPELLEE procedural motions due 08/08/2019. APPELLEE dispositive motions due 08/23/2019, Failure to respond shall result in dismissal of the case for lack of prosecution; The Clerk is directed to mail this order to appellant by certified mail, return receipt requested and by 1st class mail. [19-5197] [Entered: 07/09/2019 12:48 PM]

07/09/2019

CERTIFIED MAIL and FIRST CLASS MAIL SENT [1796380] with return receipt requested [Receipt No.7019 0700 0000 5269 0990] of order [1796375-2]. Certified Mail Receipt due 08/08/2019 from Xiu Jian Sun. [19-5197] [Entered: 07/09/2019

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01:01 PM]

08/02/2019	1 pg, 122.58 KB	DOCKETING STATEMENT [1800898] filed by Xiu Jian Sun [Service Date: 08/06/2019] [19-5197] [Entered: 08/06/2019 12:37 PM]
08/02/2019	1 pg, 66.89 KB	ENTRY OF APPEARANCE [1800901] filed by Xiu Jian Sun. [19-5197] [Entered: 08/06/2019 12:40 PM]
08/02/2019	1 pg, 88.76 KB	TRANSCRIPT STATUS REPORT [1800903] filed by Xiu Jian Sun [Service Date: 08/06/2019]. Status of Transcripts: Final - No transcripts are needed for the appeal. [19-5197] [Entered: 08/06/2019 12:42 PM]
08/02/2019	14 pg, 801.2 KB	APPELLANT BRIEF [1800907] filed by Xiu Jian Sun [Service Date: 07/30/2019] Length of Brief: 1,850 words. [19-5197] [Entered: 08/06/2019 12:57 PM]
08/02/2019	65 pg, 29.62 MB	APPENDIX [1800909] filed by Xiu Jian Sun. [Volumes: 1] [Service Date: 07/30/2019] [19-5197]

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[Entered: 08/06/2019 01:08 PM]

08/08/2019 3 pg, 14.6 KB CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1801289] filed by Donald J. Trump [Service Date: 08/08/2019] [19-5197] (McBride, Patricia) [Entered: 08/08/2019 03:41 PM]

08/08/2019 1 pg, 14.1 KB ENTRY OF APPEARANCE [1801298] filed by Patricia McBride and co-counsel R. Craig Lawrence on behalf of Appellee Donald J. Trump. [19-5197] (McBride, Patricia) [Entered: 08/08/2019 03:55 PM]

08/30/2019 3 pg, 16.2 KB MOTION [1804405] for leave to file motion filed by Donald J. Trump (Service Date: 08/30/2019 by US Mail) Length Certification: 261 Words. [19-5197] (Lawrence, R.) [Entered: 08/30/2019 12:39 PM]

08/30/2019 10 pg, 247.69 KB MOTION [1804406] for summary affirmance (Response to Motion served by mail due on 09/09/2019) lodged by Donald J. Trump (Service Date: 08/30/2019 by

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US Mail) Length Certification: 779 Words. [195197]--[Edited 08/30/2019 by DJR--MODIFIED EVENT FROM FILED TO LODGED] (Lawrence, R.) [Entered: 08/30/2019 12:41 PM]

09/11/2019 1 pg, 38.91 KB CLERK'S ORDER [1806128] filed granting motion for leave to file [1804405-2]; The Clerk is directed to file motion for summary affirmance [1804406-2]; directing response to motion for summary affirmance [1804406-2] APPELLANT Response due on 09/26/2019. The Clerk is directed to send this order to appellant by certified mail, return receipt requested and by 1st class mail. [19-5197] [Entered: 09/11/2019 04:50 PM]

09/11/2019 PER ABOVE ORDER lodged motion for summary affirmance [1804406-2] is filed [19-5197] [Entered: 09/11/2019 04:59 PM]

09/11/2019 FIRST CLASS and CERTIFIED MAIL SENT [1806138] with return receipt requested [Receipt No.7017 3380 0000 3149 8688] of order [1806128-3]. Certified Mail Receipt due 10/11/2019

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from Xiu Jian Sun. [19-5197] [Entered:
09/11/2019 05:16 PM]

10/17/2019 CERTIFIED MAIL RETURNED
[1811381] marked "Return to sender -
Refused - Unable to forward".
Certified Mail [1806138-2] had been
sent to Party Xiu Jian Sun. [19-5197]
[Entered: 10/18/2019 11:56 AM]

11/08/2019 1 pg, 39.21 KB CLERK'S ORDER
[1814981] filed considering Clerk
order [1806128-3], dismissing case for
lack of prosecution, withholding
issuance of the mandate. [19-5197]
[Entered: 11/08/2019 11:14 AM]

Clear All

☒ Documents and Docket Summary

Documents Only

☒ Include Page Numbers

Selected Pages: 0

Selected Size: 0 KB

View Selected

PACER Service Center

Transaction Receipt

DC Circuit (USCA) - 11/14/2019 11:37:23

PACER Login: xiujiangsun **Client Code:** 4869479

Description: Docket Report (full)

Search Criteria: 19-5197

Billable Pages: 2

Cost: 0.20

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Appendix B

USCA Case #19-5197 Document #1796375

Filed: 07/09/2019 Page 1 of 3

United States Court of Appeals FOR THE DISTRICT
OF COLUMBIA CIRCUIT

No. 19-5197 September Term, 2018
1:18-cv-02820-RC Filed On: July 9, 2019 [1796375]

Xiu Jian Sun, The Spiritual Adam,
Appellant
Church of Jesus Christ of Latter-day Saints, Appellee
v.
Donald J. Trump, President of U.S.A., Mr.,
Appellee

ORDER

The notice of appeal was filed on June 28, 2019,
and docketed in this court on July 9, 2019. 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	August 8, 2019
Docketing Statement Form	August 8, 2019
Entry of Appearance Form	August 8, 2019
Procedural Motions, if	August 8, 2019
Statement of Intent to Utilize Deferred Joint Appendix	August 8, 2019
Statement of Issues to be Raised	August 8, 2019
Transcript Status Report	August 8, 2019

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Underlying Decision from Which
Appeal or Petition Arises August 8, 2019
Dispositive Motions, if any (Original and 4 copies)
August 23, 2019

United States Court of Appeals FOR THE DISTRICT
OF COLUMBIA CIRCUIT

No. 19-5197 September Term, 2018

A request for appointment of counsel does not relieve appellant of the obligation to file responses to any motion filed by appellee or to comply with any order issued by the court, including a briefing schedule. Failure by appellant to respond to a dispositive motion or comply with any order of the court, including this order, will result in dismissal of the case for lack of prosecution. See D.C. Cir. Rule 38.

It is FURTHER ORDERED that appellee submit the documents listed below by the dates indicated.

Certificate as to Parties, Rulings, and
Related Cases August 8, 2019
Entry of Appearance Form August 8, 2019
Procedural Motions, if any August 8, 2019
Dispositive Motions, if any (
Original and 4 copies) August 23, 2019

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

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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/

Laura M. Chipley

Deputy Clerk

USCA Case #19-5197 Document #1796375

Filed: 07/09/2019 Page 3 of 3

United States Court of Appeals FOR THE DISTRICT
OF COLUMBIA CIRCUIT

No. 19-5197

September Term, 2018

\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-Representatio

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Appendix C

USCA Case #19-5197 Document #1800907

Filed: 08/02/2019 Page 4 of 14

**STATEMENT OF SUBJECT MATTER AND
APPELLATE JURISDICTION**

The Doctrine and Covenants Section 101

Revelation given to Joseph Smith the Prophet, at Kirtland, Ohio, December 16 and 17, 1833. At this time the Saints who had gathered in Missouri were suffering great persecution. Mobs had driven them from their homes in Jackson County; and some of the Saints had tried to establish themselves in Van Buren, Lafayette, and Ray Counties, but persecution followed them. The main body of the Saints was at that time in Clay County, Missouri. Threats of death against individuals of the Church were many. The Saints in Jackson County had lost household furniture, clothing, livestock, and other personal property; and many of their crops had been destroyed.

81. Now, unto what shall I liken the children of Zion? I will liken them unto the parable of the woman and the unjust judge, for men ought always to pray and not to faint, which saith—

82. There was in a city a judge which feared not God, neither regarded man.

83. And there was a widow in that city, and she came unto him, saying: Avenge me of mine adversary.

84. And he would not for a while, but afterward he said within himself: Though I fear not God, nor regard man, yet because this widow troubleth me I will avenge her, lest by her continual coming she weary me.

85. Thus will I liken the children of Zion.

86. Let them importune at the feet of the judge;

**STATEMENT OF THE ISSUES PRESENTED
FOR REVIEW**

1. Jehovah, the Lord god of the host, sent the messenger answered the defendant President of U.S.A. MR. Donald John Trump-Cain's words through the angel and saying, 'Cain, you love Satan more than love the god of Jehovah'.

2. In 2010, read The Reverberation 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 kings² of the earth have committed fornication*(Look! President Donald John Trump - Wang Xing Ren & Cain; Obama Barack -King Herod; George W. Bush; Bill Clinton; George H. W. Bush; Ronald Reagan; Jimmy Carter; Gerald Ford; Richard Nixon, and the inhabitants of the earth have been made drunk with the wine of her fornication.

3). So he carried me away in the spirit into the wilderness: and I saw a woman sit upon a scarlet coloured beast, full of names of blasphemy, having seven heads and ten horns.

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 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. (One still alive, but on the date of January 2nd, 2018, he deceased as well)

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)
2. 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).
3. 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) .
4. Jehovah, -the Lord God of host, sent the messenger through angel said to spiritual Adam: "Secret gang organization." (秘密帮派组织)

STATEMENT OF THE FACTS

To fulfill the words that prophet once said.

1. Isaiah Chapter 64

8). But now, O Lord, thou art our father; we are the clay, and thou our potter; and we all are the work of thy hand.

2. 2 Nephi 9

41). O then, my beloved brethren, come unto the Lord, the Holy One. Remember that his paths are righteous. Behold, the way for man is narrow, but it lieth in a straight course before him, and the keeper of the gate is the Holy One of Israel; and he employeth no servant there; and there is none other way save it be by the gate; for he cannot be deceived, for the Lord God is his name. (Reading to here, Israeli Saint says through gifted spirit, **"They walking backward."**)

3. Alma 34

32). For behold, this life is the time for men to prepare to meet God; yea, behold the day of this life is the day for men to perform their labors.

4. Hebrews 4

12). For the word of God is quick, and powerful, and sharper than any twoedged sword, piercing even to the dividing asunder of soul and spirit, and of the joints and marrow, and is a discernor of the thoughts and intents of the heart.

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13). Neither is there any creature that is not manifest in his sight: but all things are naked and opened unto the eyes of him with whom we have to do.

Cain

1. The Doctrine and Covenants Section 101

87). And if he heed them not, let them importune at the feet of the governor;

88). And if the governor heed them not, let them importune at the feet of the president;

Satan

1. Revelation 12

9). And the great dragon was cast out, that old serpent, called the Devil, and Satan, which deceiveth the whole world: he was cast out into the earth, and his angels were cast out with him.

2. Mosiah 16

3). For they are carnal and devilish, and the devil has power over them; yea, even that old serpent that did beguile our first parents, which was the cause of their fall; which was the cause of all mankind becoming carnal, sensual, devilish, knowing evil from good, subjecting themselves to the devil.

3. Doctrine and Covenants 10

20). Verily, verily, I say unto you, that Satan has great hold upon their hearts; he stirreth them up to iniquity against that which is good;

21). And their hearts are corrupt, and full of

wickedness and abominations; and they love darkness rather than light, because their deeds are evil; therefore they will not ask of me.

4. John 8

42). Jesus said unto them, If God were your Father, ye would love me: for I proceeded forth and came from God; neither came I of myself, but he sent me.

43). Why do ye not understand my speech? even because ye cannot hear my word.

44). Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because there is no truth in him. When he speaketh a lie, he speaketh of his own: for he is a liar, and the father of it.

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Appendix D

USCA Case #19-5197 Document #1796369

Filed: 07/09/2019 Page 1 of 9

USCA Case #19-5197 Document #1800909

Filed: 08/02/2019 Page 57 of 65

District of Columbia live database

APPEAL,CLOSED,PROSE-NP,TYPE-F

U.S. District Court District of Columbia

(Washington, DC)

CIVIL DOCKET FOR CASE #: 1:18-cv-02820-RC

CHURCH OF JESUS CHRIST OF

LATTER-DAY SAINTS et al

v. TRUMP

Assigned to: Judge Rudolph Contreras

Cases: 1:17-cv-01787-RC, 1:18-cv-00254-ABJ

Cause: 28:1332 Diversity-Product Liability

Date Filed: 11/26/2018

Date Terminated: 05/06/2019

Jury Demand: Plaintiff

Nature of Suit: 195 Contract

Product Liability Jurisdiction: Diversity

Plaintiff

CHURCH OF JESUS CHRIST OF

LATTER-DAY SAINTS

represented by **CHURCH OF JESUS CHRIST OF**

LATTER-DAY SAINTS PRO SE

Plaintiff

XIU JIAN SUN The Spiritual Adam

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represented by **XIU JIAN SUN**

54-25 153rd Street Second Floor
Flushing, NY 11355
(646) 675-0308 PRO SE

v.

Defendant

DONALD J. TRUMP President of U.S.A., Mr.

represented by **Patricia K. McBride**

U.S. ATTORNEY'S OFFICE FOR
THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7123 Fax: (202) 252-2599
Email: patricia.mcbride@usdoj.gov
LEAD ATTORNEY ATTORNEY TO
BE NOTICED

Date Filed	#	Docket Text
11/26/2018	<u>1</u>	COMPLAINT against DONALD JOHN TRUMP (Filing fee \$ 400, receipt number 4616095730) with Jury Demand filed by CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, XIU JIAN SUN. (Attachment: # <u>1</u> Civil Cover Sheet) (tth) (Entered: 12/04/2018)
11/26/2018	<u>2</u>	NOTICE OF RELATED CASE by CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, XIU JIAN SUN. Case related to Case No. 17cv1787-RC, and 18-254. (tth) (Entered: 12/04/2018)

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12/03/2018 SUMMONS (3) Issued as to DONALD JOHN TRUMP, U.S. Attorney and U.S. Attorney General. (tth) (Entered: 12/04/2018)

12/13/2018 3 AFFIDAVITS OF MAILING. (tth) (Entered: 12/17/2018)

02/19/2019 4 Unopposed MOTION for Extension of Time to by DONALD J. TRUMP (Attachments: # 1 Text of Proposed Order)(McBride, Patricia) (Entered: 02/19/2019)

02/19/2019 MINUTE ORDER granting 4 Motion for Extension of Time: it is hereby ORDERED that Defendant shall file his response to the Complaint on or before March 20, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on 2/19/19. (lcrc1) (Entered: 02/19/2019)

03/07/2019 Set/Reset Deadlines: Answer due by 3/20/2019. (tj) (Entered: 03/07/2019)

03/20/2019 5 MOTION to Dismiss Plaintiff's Complaint by DONALD J. TRUMP (Attachments: # 1 Exhibit, # 2 Text of Proposed Order) (McBride, Patricia) (Entered: 03/20/2019)

03/20/2019 6 FOX/NEAL ORDER advising Plaintiff to respond by April 19, 2019 to 5 Defendant's motion to dismiss or the Court may deem the matter conceded.

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See document for details. Signed by Judge Rudolph Contreras on 3/20/19. (lcrc1) (Entered: 03/20/2019)

- 03/22/2019 Set/Reset Deadlines: Responses due by 4/19/2019 (tj)(Entered: 03/22/2019)
- 04/15/2019 7 Civil Statement from CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, XIU JIAN SUN. "LET THIS BE FILED" by Judge Rudolph Contreras on 4/15/2019. (tth) (Entered: 04/15/2019)
- 05/06/2019 8 MEMORANDUM OPINION AND ORDER granting 5 Motion to Dismiss: See document for details. Signed by Judge Rudolph Contreras on 5/6/19. (lcrc1) Modified event title on 6/7/2019 (znmw). (Entered: 05/06/2019)
- 06/28/2019 9 NOTICE OF APPEAL as to 8 Order on Motion to Dismiss by XIU JIAN SUN. Filing fee \$ 505, receipt number 4616099219. Fee Status: Fee Paid. Parties have been notified. (jf) (Entered: 07/01/2019)
- 07/01/2019 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 9 Notice of Appeal. (jf) (Entered: 07/01/2019)

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Case 1:18-cv-02820-RC Document 4
Filed 02/19/19 Page 1 of 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, et al., pro se
Plaintiffs, Civil Action No.
v. 18-2820 (RC)
DONALD JOHN TRUMP
Defendant.

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Defendant Donald John Trump ("Defendant"), respectfully moves for an enlargement of time up to and including Thursday, March 21, 2019, to file its response to Plaintiff's Complaint. The response is currently due on February 19, 2019. In support of this motion, Defendant states as follows:

1. Undersigned counsel was out of the office due to illness from February 13, 2019, through February 15, 2019. She returned to the office today, February 19, 2019. As a result of her illness, she was unable to confer with agency counsel and complete an appropriate response to the Complaint, and therefore needs additional time within which to prepare a response.
2. This request is not made for the purpose of delay.

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3. Pursuant to Local Civil Rule 7(m), pro se Plaintiffs have been notified of this motion and do not oppose Defendant's request.

Wherefore Defendant respectfully requests the Court grant this motion.

Respectfully submitted,

/s/ Patricia K. McBride
PATRICIA K. MCBRIDE, PA Bar # 54561
Assistant United States Attorney

Civil Division
555 4th Street, NW, Room E-4808
Washington, DC 20530
Tel: 202.252.7123
Fax: 202.252.2599
Email: patricia.mcbride@usdoj.gov

Attorney for Defendant

Case 1:18-cv-02820-RC Document 4
Filed 02/19/19 Page 3 of 3

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing Motion to Enlarge Time to be served, on this 19th day of February 2019, by first class mail to

Church of Jesus Christ of Latter-Day Saints
54-25 153rd St

D7

Flushing, NY 11355

Pro Se Plaintiff

Respectfully submitted,

PATRICIA K. MCBRIDE
Assistant United States Attorney

Case 1:18-cv-02820-RC Document 4-1
Filed 02/19/19 Page 1 of 1

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

CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, et al., pro se

Plaintiffs, Civil Action No.
18-2820 (RC)

v.

DONALD JOHN TRUMP

Defendant.

PROPOSED ORDER

Upon consideration of Defendant's Motion for
Enlargement of Time to file a response to Plaintiffs'
Complaint, it is hereby ORDERED that Defendant's
response shall be filed on March 20, 2019.

SO ORDERED.

Date: _____

United States District Judge

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Case 1:18-cv-02820-RC Document 5
Filed 03/20/19 Page 1 of 6
**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, et al.,

Plaintiff,

Civil Action No.
18-2820 (RC)

v.

DONALD JOHN TRUMP,

Defendant.

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

By and through undersigned counsel, Defendant in the above captioned action respectfully move to dismiss this action on the grounds that the Court lacks subject matter jurisdiction and Plaintiff has failed to state any claim upon which relief may be granted. Fed. R. Civ.P. 12(b)(1), 12(b)(6). Defendant respectfully refer the Court to the attached memorandum of points and authorities. A proposed order is also attached.

Dated: March 20, 2019

Respectfully submitted,

JESSIE K. LIU, D.C. BAR # 472845

United States Attorney for the District of Columbia

DANIEL F. VAN HORN, D.C. BAR # 924092

Chief, Civil Division

By: /s/ Patricia K. McBride

PATRICIA KING MCBRIDE

Assistant United States Attorney

555 4th St., N.W., Washington, D.C. 20530

(202) 252-7123, patricia.mcbride@usdoj.gov

Counsel for Defendant

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Case 1:18-cv-02820-RC Document 5
Filed 03/20/19 Page 3 of 6

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

THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, et al.,

Plaintiff,

Civil Action No.
18-2820 (RC)

v.

DONALD JOHN TRUMP,

Defendant.

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

The docket of this case lists as Plaintiff, Xiu Jian Sun Spiritual Adam, who claims to be operating as the representative of the Church of Jesus Christ of Latter Day Saints. ECF No. 1 at 1. It also lists, as Defendant, Donald John Trump-Cain. As explained below, this case should be dismissed pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(1) (lack of subject matter jurisdiction) and Rule 12(b)(6) (failure to state a claim upon which relief can be granted).

"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.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (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 unsubstantial 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)).

Plaintiff's Complaint is a jumble of statements that cannot even rightly be considered allegations. See, e.g., Compl.at 1 (“Jehovah, the Lord god of host sent the messenger said to servant (Plaintiff) through the angel said to: “Cain.”). This Court lacks subject matter jurisdiction over Plaintiff's incoherent filing, which is a complaint in name only. See *Best v. Kelly*, 39 F.3d 328, 330 (D.C. Cir. 1994) (stating that there is no federal jurisdiction when a complaint is based on allegations rooted in “bizarre conspiracy theories”); *Neitzke v. Williams*, 490 U.S. 319, 327 n.6 (1989) (recognizing that courts lack jurisdiction to consider claims that are “so attenuated and unsubstantial as to be absolutely devoid of merit”) (citation omitted). This Court does not have subject matter jurisdiction over these claims that neither invoke any federal law nor present factual issues that can be resolved in federal court. As a prefatory matter, plaintiff has filed at least eight similar complaints in other state and federal courts. See, e.g., *Xiu Jian Sun v. N.Y. Office of Att'y Gen.*, No. 17-CV-5916, 2017 WL 4740811, at *1-*3 (E.D.N.Y. Oct. 19, 2017) (dismissing complaint as

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frivolous and listing other cases filed by plaintiff in New York state and federal court); See also Memo. Op. at ¶ 1, attached hereto as Exhibit A.

Finally, Plaintiff claims to represent LDS. However, an artificial entity, whether a corporation or some other non-natural person, can only act in court through agents; it cannot appear pro se. *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 202 (1993). There is no attorney representing LDS, and this party should therefore be dismissed as a plaintiff.

March 20, 2019

Respectfully submitted,

JESSIE K. LIU, D.C. BAR # 472845
United States Attorney for
the District of Columbia

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

By: /s/ Patricia King McBride
PATRICIA KING MCBRIDE
Assistant United States Attorney
555 4th St., N.W.
Washington, D.C. 20530
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patricia.mcbride@usdoj.gov

Counsel for Defendant

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Filed 03/20/19 Page 6 of 6

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of Defendant's Motion to Dismiss, supporting Memorandum of Points and Authorities, and proposed order, to be served upon plaintiff by first class mail, postage prepaid to:

XIU JIAN SUN
#54-25 153rd Street-160
Flushing, New York 11355
P.O. BOX 800
BRADFORD, PA 16701

on this 20th day of March, 2019.

By: /s/ Patricia King McBride
PATRICIA KING MCBRIDE
Assistant United States Attorney

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EXHIBIT A

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Filed 03/20/19 Page 1 of 6
Case 1:17-cv-01861-JDB Document 9
Filed 09/24/18 Page 1 of 5

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

XIU JIAN SUN, Spiritual Adam,
Plaintiff, Civil Action No.
v. 17-1861 (JDB)
SECRET GANG ORGANIZATION:
OBAMA BARACK-DOG, et al.,
Defendants.

MEMORANDUM OPINION

Plaintiff Xiu Jian Sun, identifying as “the spiritual Adam” and as a representative of the Church of Jesus Christ of Latter-Day Saints, filed this pro se action on September 12, 2017. Listed as defendants are “Secret gang organization: OBAMA-BARACK-Dog,” and various federal employees and judges. Plaintiff has paid the statutory filing fee to commence this action. Defendants respond that this Court lacks jurisdiction and that nothing in plaintiff’s complaint states a claim upon which relief can be granted. For the following reasons, [6] defendants’ motion to dismiss will be granted.

BACKGROUND

As a prefatory matter, the Court notes that plaintiff has filed at least eight similar complaints in other

state and federal courts. See, e.g., Xiu Jian Sun v. N.Y. Office of Att’y Gen., No. 17-CV-5916, 2017 WL 4740811, at *1–*3 (E.D.N.Y. Oct. 19, 2017) (dismissing complaint as frivolous and listing other cases filed by plaintiff in New York state and federal courts); Xiu Jian Sun v. United States, 130 Fed. Cl. 569, 570 (2016) (dismissing complaint). In the instant case, plaintiff alleges that, “[i]n the night between March 7th and 8th, 2016, the Lord god of host Jehovah sent the messenger said to servant (Plaintiff) through the angel: ‘**Secret gang organization.**’” Compl. [ECF No. 1] at 4 (emphasis in original) (omitting footnote and Chinese language). Plaintiff asserts, among other things, that the “Lord god of host sent the messenger through angel said to spiritual Adam: ‘**take him (her) to the law to confront it.**’” *Id.* at 3–4 (emphasis in original) (omitting Chinese language). Plaintiff also quotes from the Book of Revelations, *id.* at 4–5 (quoting Revelations 17:1–10), and the Doctrine and Covenants of the Church of the Latter-Day Saints, *id.* at 6–7 (quoting The Doctrine and Covenants § 42, LDS.org, <https://www.lds.org/scriptures/dc-testament/dc/42.22>). In these quotations, the complaint lists the names of various former presidents and other officials as “kings,” including a note that “the Lord god of host sent the messenger said to servant in heart, ‘They are like this in their previous life.’” *Id.* at 5 (emphasis in original). Plaintiff requests a “[t]rial with god’s law” with a “jury to prevent insult and unfair behavior,” as well as a Mandarin Chinese court interpreter. *Id.* at 7. Defendants move to dismiss the complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), as well as for lack of subject-matter jurisdiction under Rule 12(b)(1). Defs.’ Mot. to Dismiss

Pl.'s Compl. [ECF No. 6] at 1.

LEGAL STANDARD

At the motion-to-dismiss stage, a court must “treat the complaint’s factual allegations as true and grant plaintiff ‘the benefit of all inferences that can be derived from the facts alleged.’” Elec. Privacy Info. Ctr. v. IRS, 261 F. Supp. 3d 1, 5 (D.D.C. 2017) (citing Sparrow v. United Air Lines, Inc., 216 F.3d 1111, 1113 (D.C. Cir. 2000)). “The sole exception to this rule lies with allegations that are sufficiently fantastic to defy reality as we know it: claims about little green men, or the plaintiff’s recent trip to Pluto, or experiences in time travel.” Ashcroft v. Iqbal, 556 U.S. 662, 696 (2009) (Souter, J., dissenting). On a Rule 12(b)(1) motion to dismiss for lack of subject-matter jurisdiction, courts may dismiss complaints which are “‘patently insubstantial,’ presenting no federal question suitable for decision.” Tooley v. Napolitano, 586 F.3d 1006, 1009 (D.C. Cir. 2009) (citation omitted). On a Rule 12(b)(6) motion to dismiss for failure to state a claim, 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)).

ANALYSIS

Because federal courts are courts of limited jurisdiction, “even a pro se plaintiff bears the burden of establishing that the Court has subject matter jurisdiction.” Newby v. Obama, 681 F. Supp. 2d. 53, 55 (D.D.C. 2010) (citation omitted) (dismissing case for

lack of subject-matter jurisdiction because it appeared to be “the sort of ‘bizarre conspiracy theory’ that warrant[s] dismissal under Rule 12(b)(1)”. The standard for this kind of dismissal is high: the claims must “be flimsier than ‘doubtful or questionable’—they must be ‘essentially fictitious.’” Best v. Kelly, 39 F.3d 328, 330 (D.C. Cir. 1994) (quoting Hagans v. Lavine, 415 U.S. 528, 537–38 (1974)) (finding that the claims of pro se prisoners who asserted that the prison had violated their constitutional rights were not “patently insubstantial,” but noted that “any sort of supernatural intervention” would meet the standard for Rule 12(b)(1) dismissal).

In the instant case, Plaintiff claims that a divine messenger provided inspiration for the suit. Compl. at 4. This is similar to other “patently insubstantial” claims meriting dismissal under Rule 12(b)(1). See, e.g., Odemns v. Wal-Mart Stores, Inc., 14-cv-1790 (KBJ), 2015 WL 2120634, at *2 (D.D.C. May 6, 2015) (dismissing as “patently insubstantial” claim “that defendants have implanted a ‘multifunctional’ nano-chip that acts as ‘a recorder’ and a ‘transmitter’ in order to ‘record Plaintiff’s thoughts’”); In re New York ex rel. Unger, 990 F. Supp. 2d 6, 6 (D.D.C. 2013) (dismissing as frivolous a case where plaintiff sought relief for “an ongoing state of insurrection and judicial anarchy directed against the supreme court for the fourth judicial district of New York”); Baszak v. FBI, 816 F. Supp. 2d 66, 69 (D.D.C. 2011) (dismissing as patently insubstantial claims of “video and mental surveillance”). Plaintiff’s claims here are “patently insubstantial,” and defendants’ motion to dismiss for lack of subject-matter jurisdiction will therefore be

granted.

Although courts must construe the complaints of pro se plaintiffs “liberally,” a plaintiff’s “pro se status does not render him immune from pleading facts upon which a valid claim can rest.” In re Watson, 910 F. Supp. 2d 142, 148 (D.D.C. 2012) (citation omitted); see Hamilton v. Acosta, 688 F. App’x 16, 17 (D.C. Cir. 2017) (unpublished) (holding that, “[e]ven if construed liberally, appellant’s pro se complaint [did] not assert a colorable . . . claim”). Even after a liberal construction and careful examination of plaintiff’s complaint, this Court is unable to identify any colorable claims. See Urban v. United Nations, 768 F.2d 1497, 1499 (D.C. Cir. 1985) (“[T]he court is unable to hazard even the most elementary guess as to the relief [plaintiff] seeks, at a loss to decipher the nature of the claims pursued, and unable to discern a plausible nexus between the complaint and the named defendants.”).

As the Eastern District of New York noted in Xiu Jian Sun v. New York Office of the Attorney General, a case brought by plaintiff, “th[is] plaintiff has made a practice of suing any judge, court personnel, government official, or person with whom he has ever interacted. In pronouncements.” 2017 WL 4740811, at *2. This complaint seems to follow the same pattern, naming as defendants multiple current and former Department of Justice employees, judges and clerks at the Court of Federal Claims and Federal Circuit, current Supreme Court employees, and the addition, the allegations consist . . . of religious former Acting Solicitor General of the United States. As in plaintiff’s prior cases, he has not asserted any causes of action or

sought any specific relief other than the appointment of an interpreter for court appearances. Compl. at 7; see Xiu Jian Sun v. Asiello, No. 1:17-cv-63, 2017 WL 4350566, at *2 (N.D.N.Y. July 17, 2017) (“Plaintiff has not stated a claim, much less a claim upon which relief could be granted.”). Because plaintiff has once again not stated a claim upon which relief can be granted, defendants’ motion to dismiss will be granted.

CONCLUSION

For these reasons, defendants’ motion to dismiss will be granted and this case dismissed with prejudice. A separate order has been issued on this date.

/s/

JOHN D. BATES

United States District Judge

Dated: September 24, 2018

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Filed 03/20/19 Page 1 of 1

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

THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, et al.,

Plaintiff,

Civil Action No.
18-2820 (RC)

v.

DONALD JOHN TRUMP - Cain,
Defendant.

ORDER

Upon Consideration of the Motion to Dismiss filed by the United States, as well as the supporting memorandum of points and authorities, and the entire record herein, it is hereby

ORDERED, that the motion is GRANTED, and it is further

ORDERED, that based on the reasons articulated in an accompanying memorandum opinion, Plaintiff's complaint is dismissed in its entirety, with prejudice.

It is SO ORDERED this ____ day of _____, 2019.

RUDOLPH CONTRERAS
United States District Judge

D20

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Filed 04/15/19 Page 1 of 5
USCA Case #19-5197 Document #1800909
Filed: 08/02/2019 Page 45 of 65

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

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

Plaintiffs, Civil Action No.
18-cv-2820 (RC)

v.

PRESIDENT OF U.S.A. MR.
DONALD JOHN TRUMP – Cain
Defendant

Leaven of Pharisees
法利赛的酵

On the date of April 01, 2019, when looking at the
letter sent by the Rudolph Contreras (Pharisees), the
Lord god of host Jehovah makes sound from the God's
temple and says: "Leaven of Pharisees." (法利赛的酵).

Dated: April 08, 2019
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

D21

Flushing, NY 11355
646-675-0308
Plaintiffs

To: Patricia King McBride
U.S. Attorney's Office for the District of Columbia
Assistant United States Attorney
555 4th St., N.W.
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Counsel for Defendant

D22

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Filed 03/20/19 Page 1 of 2
Case 1:18-cv-02820-RC Document 7
Filed 04/15/19 Page 2 of 5
USCA Case #19-5197 Document #1800909
Filed: 08/02/2019 Page 46 of 65

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

CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, Civil Action No.
Plaintiff, 18-2820 (RC)
v. Re Document No.: 5
DONALD J. TRUMP,
Defendant.

ORDER

On March 20, 2019, Defendant Donald J. Trump filed a motion to dismiss. See ECF No. 5. Plaintiff Xiu Jian Sun, who is proceeding pro se, would normally be required to file his response within fourteen days. See Fed. R. Civ. P. 6(a)(1), (d); D.D.C. Civ. R. 7(b). But given Plaintiff's pro se status, the Court will grant him additional time to respond.

Under Local Civil Rule 7(b), if any party fails to file a response to a motion within the prescribed time, "the Court may treat the motion as conceded." *Id.* In *Fox v. Strickland*, 837 F.2d 507 (D.C. Cir. 1988) (per curiam), the D.C. Circuit held that a district court must take

pains to advise a pro se party of the 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 Plaintiff of his obligations under the Federal Rules of Civil Procedure and the Local Civil Rules. If he fails to submit a memorandum responding to Defendant’s motion, the Court may treat the motion as conceded, grant the motion, and dismiss his case. If Plaintiff complies with his obligations under the Federal and Local Rules, he is 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 the plaintiff shall respond to the defendant’s motion to dismiss on or before **April 19, 2019**. If the plaintiff neither responds nor moves for an extension of time by that date, the Court may treat the motion as conceded and dismiss the plaintiff’s complaint.

SO ORDERED.

Dated: March 20, 2019

RUDOLPH CONTRERAS
United States District Judge

AFFIDAVIT OF MAILING

I hereby certify under penalty of perjury that on this 08th day of April, 2019, I caused to be placed in the United States mail (first-class postage paid), copies of a “Leaven of Pharisees (法利赛的酵)” address as follows:

To: Patricia King McBride
U.S. Attorney Civil Process Clerk
Assistant United States Attorney
555 Fourth Street, N.W.,
Washington, DC 20530

President of U.S.A.
Mr. Donald John Trump - Cain
The White House
1600 Pennsylvania Avenue NW,
1st Floor, West Wing
Washington, DC 20500

U. S. Attorney General
U. S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Clerk's Office
U.S. District Court for the District of Columbia
333 Constitution Avenue, NW,
Washington, DC 20001

Rudolph Contreras
U.S. District Court for the District of Columbia
333 Constitution Avenue, NW,
Washington, DC 20001

Dated: April 08, 2019

Simon Chen

D25

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Filed 06/28/19 Page 1 of 2
USCA Case #19-5197 Document #1796369
Filed: 07/09/2019 Page 3 of 9
USCA Case #19-5197 Document #1800909
Filed: 08/02/2019 Page 55 of 65

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

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

Plaintiffs, Civil Action No.
18-cv-2820 (RC)

v.

PRESIDENT OF U.S.A. MR.
DONALD JOHN TRUMP – Cain
Defendant

NOTICE OF APPEAL

Notice is hereby given that Xiu Jian Sun, the spiritual Adam (plaintiff) in the above named case, * hereby appeal to the United States Court of Appeals for the District of Columbia Circuit, (from the final judgment) (from the order (describing it)) entered in this action on the 6 day of May, 2019.

Dated: June 22, 2019
Queens, New York

The Church of Jesus Christ of Latter-day saints

D26

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

AFFIDAVIT OF MAILING

I hereby certify under penalty of perjury that on this 24th day of June, 2019, I caused to be placed in the United States mail (first-class postage paid), copies of a **"Notice of Appeal"** address as follows:

To: Patricia K. McBride
U.S. ATTORNEY'S OFFICE FOR
THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530

President of U.S.A.
Mr. Donald John Trump - Cain
The White House
1600 Pennsylvania Avenue NW,
1st Floor, West Wing
Washington, DC 20500

U. S. Attorney General
U. S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dated: June 24, 2019
Queens, New York

Simon Chen

D27

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Filed 05/06/19 Page 1 of 5
USCA Case #19-5197 Document #1796369
Filed: 07/09/2019 Page 5 of 9
USCA Case #19-5197 Document #1800909
Filed: 08/02/2019 Page 61 of 65
USCA Case #19-5197 Document #1804406
Filed: 08/30/2019 Page 1 of 5

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

CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, et al.,
Plaintiffs,

v.

Civil Action No.: 18-2820 (RC)
DONALD J. TRUMP, Re Document No.: 5
Defendant.

MEMORANDUM OPINION AND ORDER

GRANTING DEFENDANT'S MOTION TO DISMISS

I. INTRODUCTION

Plaintiff Xiu Jian Sun, identifying as "The Spiritual Adam," and as a representative of the Church of Jesus Christ of Latter-Day Saints, filed this action pro se for trial with God's law against Defendant President Donald John Trump on November 26, 2018. President Trump has now moved to dismiss the case, arguing that the Court lacks jurisdiction to hear Sun's claims and that Sun's complaint fails to state a claim

upon which relief can be granted. As detailed below, the Court grants the motion to dismiss.

II. BACKGROUND

Sun is a serial complainant who has filed numerous suits in other federal and state courts over the past few years. See, e.g., *Sun v. Secret Gang Org.: OBAMA BARACK-Dog*, No. 171861, 2018 WL 4567164, at *1–*3 (D.D.C. Sept. 24, 2018) (dismissing complaint because Sun “ha[d] not asserted any causes of action” or “stated a claim upon which relief can be granted”); *Order Granting Motion to Dismiss, Church of Jesus Christ of Latter-Day Saints v. Trump*, No. 17-cv-1787 (D.D.C. Dec. 13, 2017), ECF No. 6 (dismissing complaint for failure to comply with pleading requirements); *Sun v. N.Y. Office of Att’y Gen.*, No. 17-CV-5916, 2017 WL 4740811, at *1–*3 (E.D.N.Y. Oct. 19, 2017) (dismissing complaint as frivolous and detailing similar cases filed by Sun in state and federal courts); *Sun v. United States*, 130 Fed. Cl. 569, 569–570 (2016) (dismissing complaint because there was “no plausible cause of action”). Sun’s complaint in this case makes a litany of mostly nonsensical religious allegations, quoting from “The Doctrine and Covenants” and “The Revelation of St. John the Divine,” Compl. at 2–4, ECF No. 1., and requesting “[t]rial with god’s law” and a jury “to prevent insult and unfair behavior,” *id.* at 5. On March 20, 2019, President Trump moved to dismiss the complaint for lack of subject matter jurisdiction and failure to state a claim. See Def.’s

Mem. Supp. Mot. Dismiss 1, ECF No. 5. In response, Sun offered only an additional religious message. See Pl.'s Civil Statement, ECF No. 7.

III. ANALYSIS

President Trump moves to dismiss this case for lack of subject matter jurisdiction under Rule 12(b)(1) and for failure to state a claim under Rule 12(b)(6). See Def.'s Mem. Supp. 1. Because Sun's complaint is unintelligible, the Court grants the motion.

A. The Court Lacks Subject Matter Jurisdiction Over This Case

First, because Sun's complaint is patently insubstantial, the Court lacks subject matter jurisdiction over this case. "While complaints filed by pro se litigants are held to less stringent standards than those applied to formal pleadings drafted by lawyers," pro se plaintiffs retain the burden to establish that the Court has subject matter jurisdiction over their case. *Newby v. Obama*, 681 F. Supp. 2d 53, 55 (D.D.C. 2010). And, as relevant here, "a court may dismiss a case . . . for lack of subject matter jurisdiction if a complaint is 'patently insubstantial' and thus 'present[s] no federal question suitable for decision.'" *Yi Tai Shao v. Roberts*, No. 18-1233, 2019 WL 249855, at *15 (D.D.C. Jan. 17, 2019) (second alteration in original) (quoting *Vasaturo v. Peterka*, 203 F. Supp. 3d 42, 44 (D.D.C. 2016)).

“Declining to hear a claim because it is patently insubstantial is ‘reserved for complaints resting on truly fanciful factual allegations,’ while ‘legally deficient complaints’ are still reserved for 12(b)(6) dismissals.” *Id.* (quoting Vasaturo, 203 F. Supp. 3d at 44). “Thus, to meet this standard, ‘claims [must] be flimsier than doubtful or questionable—they must be essentially fictitious.” *Id.* (alteration in original, internal quotation marks omitted) (quoting Vasaturo, 203 F. Supp. 3d at 44). “[E]ssentially fictitious’ claims include ‘bizarre conspiracy theories, any fantastic government manipulations of [the] will or mind, [and] any sort of supernatural intervention.” *Id.* (alterations in original) (quoting Vasaturo, 203 F. Supp. 3d at 44).

Here, Sun’s complaint is replete with disconnected and mostly incoherent religious messages, including allegations of supernatural intervention. *E.g.* Compl. at 1 (“Jehovah, the Lord god of the host, sent the messenger answered the defendant President of U.S.A. MR. Donald John Trump”); Compl. at 3 (alleging that “President Donald John Trump . . . and the inhabitants of the earth have been made drunk with the wine of [Babylon the Great]”). This is the type of “patently insubstantial” claim that warrants dismissal under Rule 12(b)(1). See, *e.g.*, *Best v. Kelly*, 39 F.3d 328, 330 (D.C. Cir. 1994) (noting that claims alleging “any sort of supernatural intervention” could be dismissed as patently insubstantial). The Court accordingly grants President Trump’s motion to

dismiss for lack of subject matter jurisdiction.

A. Sun's Complaint Fails to State a Claim

Even if the Court had subject matter jurisdiction over this case, it would still grant the motion to dismiss because the complaint fails to state a claim. To survive a motion to dismiss for failure to state a claim under Rule 12(b)(6), “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). When deciding a motion to dismiss, “the Court must . . . ‘treat the complaint’s factual allegations as true and must grant plaintiff the benefit of all inferences that can be derived from the facts alleged.’” *Elec. Privacy Info. Ctr. v. IRS*, 261 F. Supp. 3d 1, 5 (D.D.C. 2017) (internal quotation marks omitted) (quoting *Sparrow v. United Air Lines, Inc.*, 216 F.3d 1111, 1113 (D.C. Cir. 2000)). But “a plaintiff must put forth ‘factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.’” *Id.* (quoting *Iqbal*, 556 U.S. at 678).

Here, even assuming that the Court had subject matter jurisdiction over this case, it would dismiss it for failure to state a claim. While “[a] document filed pro se is ‘to be liberally construed’ and ‘a pro se complaint . . . must be held to less stringent standards than formal pleadings drafted by lawyers,’” *Erickson v.*

Pardus, 551 U.S. 89, 94 (2007) (per curiam) (internal citation omitted) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)), “pro se status does not render [a plaintiff] immune from pleading facts upon which a valid claim can rest,” *In re Watson*, 910 F. Supp. 2d 142, 148 (D.D.C. 2012) (quoting *Watson v. United States*, No. 06:716C, 2007 WL 5171595, at *3 (Fed. Cl. Jan. 26, 2007)). And after a thorough examination and liberal construction of Sun’s complaint, the Court is unable to discern any plausible or colorable cause of action. Indeed, Sun “has not asserted any causes of action or sought any specific relief, ” Sun, 2018 WL 4567164, at *3, beyond his requests for “[t]rial with god’s law,” a jury trial, and the appointment of an interpreter, Compl. at 5. Because the Court is left without a discernible cause of action, it must dismiss this case for failure to state a claim.

IV. CONCLUSION AND ORDER

For the foregoing reasons, Defendant’s Motion to Dismiss is **GRANTED**.

SO ORDERED.

Dated: May 6, 2019

RUDOLPH CONTRERAS
United States District Judge

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Appendix E

USCA Case #19-5197 Document #1801289

Filed: 08/08/2019 Page 1 of 3

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

No. 19-5197 (C.A. No. 18-2820)

XIU JIAN SUN, The Spiritual Adam,

Appellant,

CHURCH F JESUS CHRIST
OF LATTER-DAY SAINTS,

Appellee,

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 July 9, 2019, Order and Circuit Rule 28(a)(1), counsel for federal Appellee files this certificate as to parties, rulings, and related cases.

I. Parties

The Appellant is Xiu Jian Sun, The Spiritual Adam, who was the Plaintiff in the District Court. The Appellee is the Church of Jesus Christ of Latter-Day Saints, who was also a Plaintiff in the District Court. The federal Appellee is Donald J. trump, President of

the United States of America, who was also the federal Defendant in the District Court. There was no amicus curiae.

II. Rulings Under Review

At issue in this appeal are the May 6, 2019 Order and Memorandum Opinion by the Honorable Judge Rudolph Contreras granting the federal Defendant's Motion to Dismiss..

III. Related Cases

This case has not previously been before this Court. There are currently two pending related cases in the District court as Case Nos. 1:17-cv-01787-RC and 1:18 cv-00254-ABJ.

JESSIE K. LIU
United States Attorney.

R. CRAIG LAWRENCE
Assistant United States Attorney

/s/ Patricia K. McBride
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Patricia.mcbride@usdoj.gov

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USCA Case #19-5197 Document #1801289
Filed: 08/08/2019 Page 3 of 3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 2019, the foregoing Appellee's Certificate of Counsel as to Parties, Rulings, and Related Cases and Entry of Appearance have been served by the postal service, postage pre-paid and addressed as follows:

XIU JIAN SUN
54-25 153rd Street
Flushing, NY 11355
PRO SE

/s/ Patricia K. McBride
PATRICIA K. McBRIDE
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USCA Case #19-5197 Document #1801298
Filed: 08/08/2019 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 No: 19-5197

Case Caption: Xiu Jian Sun, The Spiritual Adam and Chu

v.

Donald J. Trump, President of U.S.A.

ENTRY OF APPEARANCE

Party Information

The Clerk shall enter my appearance as counsel for the
following parties: (List each party represented individually.
Use an additional blank sheet as necessary)

Appellant(s)/Petitioner(s) x Appellee(s)/Respondent(s)
Intervenor(s) Amicus Curiae

Donald J. Trump, President of the United States

Counsel Information

Lead Counsel: Patricia McBride, Assistant United
States Attorney

Direct Phone: 202-252-7123, Fax: 202-252-2599

Email: patricia.mcbride@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

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

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USCA Case #19-5197 Document #1804405
Filed: 08/30/2019 Page 1 of 3

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

19-5197 (C.A. No. 18-2820)

XIU JIAN SUN, et al,	Appellants,
v.	
DONALD J. TRUMP,	Appellee.

**APPELLEE'S MOTION FOR LEAVE TO FILE
MOTION FOR SUMMARY AFFIRMANCE**

Appellee, Donald J. Trump respectfully moves for leave to file the accompanying motion for Summary Affirmance of the Honorable Rudolph Contreras' May 6, 2019 Memorandum Opinion granting Appellee's Motion to Dismiss.

Counsel for Appellee erroneously calendared the due date for filing a dispositive motion and missed the filing deadline. Counsel apologizes for the error. Nevertheless, counsel believes, based on the record, that this appeal is appropriate for summary disposition and requests leave to file the attached Motion for Summary Affirmance. Counsel did not contact Appellant pro se, to determine Appellants' position on this motion.

WHEREFORE, Appellee respectfully requests the Motion be granted and Appellee's Motion for Summary Affirmance be accepted for filing.

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JESSIE K. LIU
United States Attorney

/s/
R. CRAIG LAWRENCE
Assistant United States Attorney
555 Fourth Street, N.W.

USCA Case #19-5197 Document #1804405
Filed: 08/30/2019 Page 3 of 3

**CERTIFICATE OF COMPLIANCE WITH
TYPE-VOLUME LIMITATION**

I hereby certify that the foregoing motion contains 261 words with 14 point font size in Times New Roman style.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of August, 2019, the foregoing Motion for Leave to File Motion for Summary Affirmance has been served by the postal service, postage pre-paid and addressed as follows:

XIU JIAN SUN
54-25 153rd Street Second Floor
Flushing, NY 11355

/s/ R. Craig Lawrence
Assistant United States Attorney
Judiciary Center Building
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USCA Case #19-5197 Document #1804406
Filed: 08/30/2019 Page 1 of 5

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

19-5197 (C.A. No. 18-2820)

XIU JIAN SUN, et al,	Appellants,
v.	
DONALD J. TRUMP,	Appellee.

**APPELLEE'S MOTION FOR SUMMARY
AFFIRMANCE**

Appellee, Donald J. Trump respectfully moves for Summary Affirmance of the Honorable Rudolph Contreras' May 6, 2019 Memorandum Opinion granting Appellee's Motion to Dismiss. R. 8. The District Court correctly dismissed this case for lack of subject matter jurisdiction and failure to state a claim. Id.at 1-2.

Summary disposition is appropriate in this case because the "merits of this appeal are so clear as to make summary affirmance proper." Walker v. Washington, 627 F. 2d 541, 545 (D.C. Cir. 1980), cert. denied, 449 U.S. 994 (1980); accord Ambach v. Bell, 686 F.2d 974, 979 (D.C. Cir. 1982). "[N]o benefit will be gained from further briefing and argument of the issues presented." Taxpayers Watchdog, Inc. v. Stanley, 819 F. 2d 294, 297-298 (D.C. Cir. 1987). None of the claims advanced by Sun raise any doubt that the District Court correctly dismissed this action.

BACKGROUND

Appellant, pro se, Xiu Jian Sun, identifying as “The Spiritual Adam” and as a representative of the Church of Jesus Christ of Latter-Day Saints, filed this action against President Donald J. Trump on November 26, 2018. R. 1. Noting that Appellant is a frequent filer, and has filed a number of cases in other federal and state courts, the District Court explained “Sun’s complaint in this case makes a litany of mostly nonsensical religious allegations, quoting from ‘The Doctrine and Covenants’ and ‘the Revelation of St. John the Devine,’ [] and requesting ‘[t]rial with god’s law’ and a jury ‘to prevent insult and unfair behavior.’” R. 8 at 1-2.

Analyzing Appellant’s complaint, the District Court observed that it was laden with “disconnected” and incomprehensible religious themes and claims of “supernatural intervention.” Id. at 3. Citing *Best v. Kelly*, 39 F. 3d 328,330 (D.C. Cir. 1994), the District Court, therefore, granted the motion to dismiss for lack of subject matter jurisdiction. Id. Discerning no plausible or colorable cause of action, the District also concluded that the complaint failed to state a claim and should be dismissed for that reason as well. Id. at 4.

ANALYSIS

1. The District Court Correctly Held That It Lacked Subject Matter Jurisdiction.

When claims in a complaint are “patently insubstantial,” as here, this Court has recognized that the may be dismissed for lack of jurisdiction. *Best*, 39

F. 3d at 330, accord *Tooley v. Napolitano*, 586 F.3d 1006, 1009 (D.C. Cir. 2009). Here, Appellant's complaint articulates apparently religious messages and lacks any legal or factual argument relating to a possible legal cause of action, a violation of the Constitution, or violation of a statute or any entitlement to legal relief. Consequently, the District Court properly dismissed the complaint for lack of jurisdiction, and the judgment is so clearly correct that it should be summarily affirmed.

2. The District Court Correctly Held That The Complaint Failed To State A Claim.

To avoid dismissal for failure to state a claim upon which relief can be granted under Rule 12(b)(6) "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" E.g. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Appellant's complaint fails to satisfy the standard.

The complaint pleaded no facts that related to any legal action. (R. 1). Although the complaint sought a jury trial (R. 1 at 5), it asserted no discernable causes of action nor identified any legal relief that Appellant was seeking. (R.1). Based on these failings the District Court further concluded that the complaint failed to state a claim and should be dismissed for that reason as well. (R. 8 at 4). This judgment, too, is so clearly correct that it should be summarily affirmed.

CONCLUSION

The District Court correctly dismissed this action.

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The District Court's decision is so clearly correct that it should be summarily affirmed.

JESSIE K. LIU
United States Attorney

/s/
R. CRAIG LAWRENCE
Assistant United States Attorney
555 Fourth Street, N.W.

**CERTIFICATE OF COMPLIANCE WITH
TYPE-VOLUME LIMITATION**

I hereby certify that the foregoing motion contains 779 words with 14 point font size in Times New Roman style.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of August, 2019, the foregoing Motion for Summary Affirmance has been served by the postal service, postage pre-paid and addressed as follows:

XIU JIAN SUN
54-25 153rd Street, Second Floor
Flushing, NY 11355

/s/ R. Craig Lawrence
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Appendix F

USCA Case #19-5197 Document #1806128

Filed: 09/11/2019 Page 1 of 1

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

No. 19-5197

September Term, 2019

1:18-cv-02820-RC

Filed On: September 11, 2019 [1806128]

Xiu Jian Sun, The Spiritual Adam,

Appellant

Church of Jesus Christ of Latter-day Saints,

Appellee

v.

Donald J. Trump, President of U.S.A., Mr.,

Appellee

ORDER

Upon consideration of appellee Donald J. Trump's motion for leave to file the motion for summary affirmance, it is

ORDERED that the motion for leave to file be granted. The Clerk is directed to file the lodged motion for summary affirmance. It is

FURTHER ORDERED that appellant file a

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response to appellee's motion for summary affirmance
by September 26, 2019.

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

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Rebecca L. Thompson

Deputy Clerk