

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5056

September Term, 2022

1:23-cv-00492-UNA

Filed On: June 9, 2023

Nickholas Knight, Sr.,

Appellant

v.

Joe Biden Admin, et al.,

Appellee

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Millett and Pillard, Circuit Judges, and Sentelle, Senior Circuit Judge

JUDGMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and the amended brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the motion to appoint counsel, the motion to stay pending appeal and the supplement thereto, and the motion for judgment, it is

ORDERED that the motion to appoint counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated any likelihood of success on the merits. It is

FURTHER ORDERED that the motion for judgment be denied. It is

FURTHER ORDERED AND ADJUDGED that the district court's March 6, 2023, order be affirmed. The district court properly dismissed appellant's case without prejudice for failure to comply with Federal Rule of Civil Procedure 8(a). Appellant's complaint did not set forth "a short and plain statement of the claim showing that the pleader is entitled to relief," which is required in order to "give the defendant fair notice of what the claim is and the grounds upon which it rests." Jones v. Kirchner, 835 F.3d 74,

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79 (D.C. Cir. 2016) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). It is

FURTHER ORDERED that the motion to stay pending appeal be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

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

NICKHOLAS KNIGHT, SR.,)
Plaintiff,)
v.) Civil Action No. 23-0492 (UNA)
JOE BIDEN ADMIN.,)
Defendant.)

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The Court GRANTS the application (ECF No. 2) and for the reasons discussed below, DISMISSES the complaint (ECF No. 1) and this civil action without prejudice.

A *pro se* litigant's pleading is held to less stringent standards than would be applied to a formal pleading drafted by lawyer. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). Even *pro se* litigants, however, must comply with the Federal Rules of Civil Procedure. *Jarrell v. Tisch*, 656 F. Supp. 237, 239 (D.D.C. 1987). Rule 8 of the Federal Rules of Civil Procedure requires that a complaint contain a short and plain statement of the grounds upon which the Court's jurisdiction depends, a short and plain statement of the claim showing that the pleader is entitled to relief, and a demand for judgment for the relief the pleader seeks. Fed. R. Civ. P. 8(a). The purpose of the minimum standard of Rule 8 is to give fair notice to the defendants of the claim being asserted, sufficient to prepare a responsive answer, to prepare an adequate defense, and to determine whether the doctrine of *res judicata* applies. *Brown v. Califano*, 75 F.R.D. 497, 498 (D.D.C. 1977).

In broad sweeping statements, plaintiff alleges the current President and his administration are “committing human rights violation[s]” and “war crimes.” Compl. at 1. Further, plaintiff alleges, defendants are “committing fraud[,] politicizing the DOD and DOJ FBI CIA and the judicial system[,] covering up heinous crimes . . . and suppressing freedom of speech.” *Id.* The complaint contains no factual allegations identifying any particular human rights violation or fraudulent act, however. It does not explain what plaintiff means by “politicizing” certain federal government agencies, or identify particular crimes defendants are “covering up,” or describe how defendants are suppressing freedom of speech. So few facts are alleged that no defendant reasonably could be expected to prepare a proper response to the complaint. As drafted, plaintiff’s complaint fails to meet the minimal pleading standard set forth in Rule 8(a). Even if the complaint managed to include a short and plain statement of a viable legal claim, plaintiff does not demand relief.

An Order is issued separately.

DATE: March 6, 2023

/s/
RANDOLPH D. MOSS
United States District Judge

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