

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
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ORDER

May 7, 2024

Before

ILANA DIAMOND ROVNER, *Circuit Judge*
MICHAEL B. BRENNAN, *Circuit Judge*
THOMAS L. KIRSCH II, *Circuit Judge*

No. 24-1169	ALEXANDER A. FELS, Plaintiff - Appellant v. JOSEPH R. BIDEN, JR., et al., Defendants - Appellees
Originating Case Information:	
District Court No: 3:23-cv-50424 Northern District of Illinois, Western Division District Judge Iain D. Johnston	

This court has carefully reviewed the final order of the district court, the record on appeal, and appellant's motion to proceed in forma pauperis. Based on this review, the court has determined that any issues which could be raised are insubstantial and that further briefing would not be helpful to the court's consideration of the issues. *See Taylor v. City of New Albany*, 979 F.2d 87 (7th Cir. 1992); *Mather v. Village of Mundelein*, 869 F.2d 356, 357 (7th Cir. 1989) (court can decide case on motions papers and record where briefing would not assist the court and no member of the panel desires briefing or argument). The district court correctly held that Fels lacked standing to raise the claims he asserted against President Biden and other federal officials. Accordingly,

IT IS ORDERED that the motion to proceed in forma pauperis is **DENIED**, and the district court's dismissal order is summarily **AFFIRMED**.

-over-

(23)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Alexander A. Fels,)	
Plaintiff,)	
)	No. 23 CV 50424
v.)	Judge Iain D. Johnston
)	
Joseph R. Biden, Jr., <i>et al.</i> ,)	
Defendants.)	

ORDER

Plaintiff Alexander Fels has sued President Joe Biden, House of Representatives Minority Leader Hakeem Jeffries, and Secretary of the Treasury Janet Yellen, alleging “malfeasance, misfeasance, and/or non-feasance.” His complaint alleges that lawmakers are accepting bribes from the National Rifle Association which is subjecting school children to active shooter drills and to being murdered, that health care should be a civil right, that the House of Representatives should vote to fully fund military aid to Ukraine, that the U.S. Department of Housing and Urban Development equates medical marijuana to heroin in violation of his civil rights, and he faults President Biden for not taking out Iran’s military and blocking its oil tankers. He asks that Secretary Yellen be enjoined from paying the salaries of members of the U.S. House until they stop engaging in bad behavior. Along with his complaint, Mr. Fels has filed an application to proceed *in forma pauperis* [3] and a motion for counsel [4].

In his application to proceed *in forma pauperis*, Mr. Fels reveals that he receives just over \$11,000 a year in disability or worker’s compensation benefits, has about \$275 in savings, and has no other income or assets. Based on Mr. Fels’ representations, the Court concludes that he is unable to pay the filing fee and grants his application to proceed *in forma pauperis* [3].

For parties proceeding *in forma pauperis*, under 28 U.S.C. § 1915(e)(2)(ii) the Court must review the complaint and dismiss any action that fails to state a claim upon which relief may be granted. Because the plaintiff is proceeding *pro se*, the Court will liberally construe the complaint. *See Lawrence v. Interstate Brands*, 278 Fed. Appx. 681, 683 (7th Cir. 2008).

As has been explained to Mr. Fels by other judges in other suits he has filed in this court, he lacks standing to raise the issues alleged in his complaint. To establish standing as required by Article III of the U.S. Constitution, a plaintiff must be able to show (1) a concrete and particularized actual or imminent injury in fact; (2) a causal connection between the injury and the complained of conduct; and (3) a likelihood that the injury will be redressed by a favorable decision. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992). Mr. Fels’ allegations consist of generalized grievances. He identifies no actual or imminent injury he himself has suffered. The closest he comes is his allegation that HUD treating medical marijuana the same as heroin violates his civil rights, but only “if HUD bothers me for the use of this medicine, (I have a State of Illinois medical marijuana identification).” He never suggests that HUD has

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bothered him, or that it's likely to. In addition, he has not suggested that the defendants' conduct affected him "in a personal and individual way," as opposed to in a way undifferentiated from the rest of the public. *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016). The result is that he has not plausibly suggested that he has standing to raise the claims alleged in his complaint, same as other judges found when reviewing his other complaints. *See Fels v. McConnell*, No. 17 CV 4771 (N.D. Ill. June 29, 2017) (Kocoras, J.); *Fels v. McConnell*, No. 18 CV 5284 (N.D. Ill. Aug. 8, 2018) (Kendall, J.); *Fels v. Supreme Court of the United States*, 19 CV 4882 (N.D. Ill. July 24, 2019) (Guzman, J.); *Fels v. Trump*, No. 20 CV 5945 (N.D. Ill. March 29, 2021) (Dow, J.).

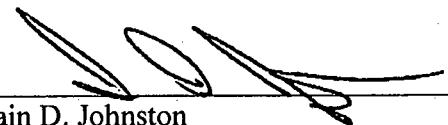
In addition to lack of standing, the Court dismisses his claims against President Biden and Minority Leader Jeffries based on absolute immunity. *See Nixon v. Fitzgerald*, 457 U.S. 731, 749 (1982) (presidential immunity); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 503 (1975) (legislative immunity); *see also Fels v. The United States Senate*, No. 17 CV 2398 (N.D. Ill. Mar. 30, 2017) (St. Eve, J.) (dismissing on basis of legislative immunity); *Fels v. McConnell*, No. 18 CV 5284 (dismissing on basis of legislative immunity).

The Court acknowledges Mr. Fels' argument that the dismissal of his complaints has left him unable to raise grievances against the government, which he contends violates his right under the First Amendment to do so. But the Constitution also requires litigants to have standing to bring the claims they raise in federal court, and in the absence of allegations plausibly suggesting standing, Mr. Fels' claims must be dismissed. The Court repeats the warning Mr. Fels received in *Fels v. Supreme Court* that "future frivolous filings could result in the imposition of sanctions, including monetary sanctions." The warning extends to any effort to re-raise the claims this order dismisses.

Because he has failed to plausibly allege standing to bring the claims he asserts, his motion for counsel [4] is denied as moot.

Date: December 5, 2023

By:


Iain D. Johnston
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Western Division**

Alexander A. Fels

Plaintiff,

v.

Case No.: 3:23-cv-50424
Honorable Iain D. Johnston

Joseph R. Biden, Jr., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, January 5, 2024:

MINUTE entry before the Honorable Iain D. Johnston: Mr. Fels' motion to reconsider [9] is denied. There is no fundamental right under the Constitution to use marijuana, even when prescribed by a physician. See *United States v. Langley*, 17 F.4th 1273, 1273 (9th Cir. 2021); *Elansari v. United States*, 615 Fed. Appx. 760, 761–62 (3d Cir. 2015). In fact, the Supreme Court upheld the constitutionality of laws criminalizing its use, even for medical purposes. See *Gonzales v. Raich*, 545 U.S. 1 (2005). Mailed notice (jp,)

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United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

June 21, 2024

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 24-1169

ALEXANDER A. FELS,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Northern District of
Illinois, Western Division.

v.

No. 3:23-cv-50424

JOSEPH R. BIDEN, JR., et al.,
Defendants-Appellees.

Iain D. Johnston,
Judge.

ORDER

On consideration of the petition for rehearing filed by Plaintiff-Appellant on June 10, 2024, the judges on the panel have voted to deny rehearing.

Accordingly, the petition for rehearing is DENIED.

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November 14, 2023

ATTENTION TO ALL RESIDENTS:

Per HUD rules:

No tenant can use, manufacture, distribute, or possess cannabis in a HUD (federal) property.

Consistent with Federal law, HUD prohibits the admission of users of marijuana to HUD assisted housing, including those who use medical marijuana. Pursuant to the Controlled Substances Act, 21 U.S.C. § 801 et. seq., marijuana is categorized as a Schedule 1 substance; therefore, the manufacture, distribution, or possession of marijuana is a federal criminal offense. Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires that PHAs administering HUD rental assistance programs to establish standards and lease provisions that prohibit admission to HUD rental assistance programs based on the illegal use of controlled substances, including state legalized medical marijuana. Absent a change in Federal law, HUD does not have the discretion to admit users of marijuana, including medical marijuana, to HUD assisted programs.

While marijuana is legal in this state, this property is under federal law. Your lease is contracted with HUD, not the state. Even those tenants with a medical cannabis card are not authorized to use and keep cannabis in this building.

Please see Management if you have any questions.

Thank you,

Management

Illinois Department of Public Health
Medical Cannabis Registered Qualifying Patient

Patient Name: FELS, ALEXANDER
ID #: QP.05651367

Caregiver: NONE
ID #: NONE

Address: 3803 N. NARRAGANSETT AVE., 2ND FL
CHICAGO, IL 60634

DOB: 01/19/1948
Issued: 07/29/2019
Expires: 07/29/2020

Max. Allowed:
02.50 ounces



Illinois Department of Public Health
Medical Cannabis Registered Qualifying Patient

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ID #: QP.05651367

Caregiver: NONE
ID #: NONE

Address: 3803 N. NARRAGANSETT AVE., 2ND FL
CHICAGO, IL 60634

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Issued: 07/30/2020
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Max. Allowed:
02.50 ounces



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(12)