

APPENDIX TABLE OF CONTENTS

Appendix A Order of the U.S. Court of Appeals for the District of Columbia

Circuit..... 1a

Appendix B Decision of the U.S. District Court for the District of Columbia.....2a

Appendix C Original Complaint submitted to the District of Columbia District

Court.....5a

Appendix D Exhibits from the original Memorandum of Points and

Authorities submitted to the District of Columbia District Court.....26a

Appendix E Memorandum of Points and Authorities

from Original Complaint.....30a

APPENDIX A

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5243**September Term, 2017****1:17-cv-01744-UNA****Filed On: March 9, 2018**

Michael E. Bargo, Jr.,

Appellant

v.

United States of America, et al.,

Appellees

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

BEFORE: Rogers and Griffith, Circuit Judges, and Ginsburg,
Senior Circuit Judge

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed October 11, 2017, be affirmed. Appellant alleges the federal government's practices regarding mandatory spending have diluted the value of his vote. Appellant has not shown how the harm he is alleging differs in any way from the effect on every other citizen. As the district court correctly concluded, appellant is "raising only a generally available grievance about government . . . and seeking relief that no more directly and tangibly benefits him than it does the public at large." Lujan v. Defenders of Wildlife, 504 U.S. 555, 573-74 (1992).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/

Ken Meadows
Deputy Clerk

Appendix A

1a

APPENDIX B

FILED

OCT 11 2017

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

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

MICHAEL E. BARGO, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civil Action No. 17-1744 (UNA)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that the plaintiff's application to proceed *in forma pauperis* [2] is GRANTED; it is

FURTHER ORDERED that the Complaint and this civil action are DISMISSED WITHOUT

PREJUDICE.

This is a final appealable Order.

SO ORDERED.

United States District Judge

DATE: 10/10/17

FILED

OCT 11 2017

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

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

MICHAEL E. BARGO, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civil Action No. 17-1744 (UNA)

MEMORANDUM OPINION

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The plaintiff's claims pertain "to the current practices and policies of the Defendants, with regard to . . . mandatory spending, budget deficits, and debt." Compl. ¶ 1. According to the plaintiff, the defendants' "practices have diluted the value of his votes and the votes of all other voters in the United States[.]" *Id.*; see *id.* ¶¶ 3, 8. The plaintiff asserts that, because a large percentage of the national budget is devoted to mandatory spending, see generally *id.* ¶¶ 25-43, "the value of his vote [is] zero," *id.* ¶ 45, such that his "right to speak, as well as his right not to speak, is deprived," *id.* ¶ 46.

"Three inter-related judicial doctrines – standing, mootness, and ripeness – ensure that federal courts assert jurisdiction only over 'Cases' and 'Controversies.'" *Worth v. Jackson*, 451 F.3d 854, 855 (D.C. Cir. 2006). Particularly relevant here is the plaintiff's standing to sue: at a minimum, he "must have suffered an 'injury in fact,'" that is "actual or imminent, not 'conjectural' or 'hypothetical,'" that there be a causal connection between the injury and the conduct complained of," and that it "be 'likely,' as opposed to merely 'speculative,' that the injury will be 'redressed by a favorable decision.'" *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (citations omitted).

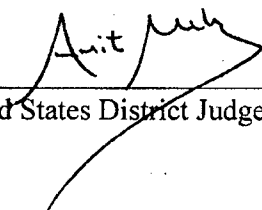
This plaintiff does not allege that he has suffered personally from the alleged dilution of his vote. He is “raising only a generally available grievance about government – claiming only harm to his and every citizen’s interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large – [which] does not state an Article III case or controversy.” *Lujan*, 504 U.S. at 573-74. Rather, his “stake is no greater and his status no more differentiated than that of millions of other voters.” *Berg v. Obama*, 574 F.Supp.2d 509, 2008 WL 4691981, at *6 (E.D. Pa. Oct. 24, 2008); cf. *Hein v. Freedom From Religion Found., Inc.*, 551 U.S. 587, 599 (2007) (“[T]he payment of taxes is generally not enough to establish standing to challenge an action taken by the Federal Government. In light of the size of the federal budget, it is a complete fiction to argue that an unconstitutional federal expenditure causes an individual federal taxpayer any measurable economic harm.”).

The Court concludes that the plaintiff lacks standing and, accordingly, dismisses the complaint without prejudice for lack of subject matter jurisdiction. The plaintiff’s application to proceed *in forma pauperis* will be granted.

An Order accompanies this Memorandum Opinion.

DATE:

10/10/17


United States District Judge

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