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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5100**September Term, 2017****1:16-cv-01763-UNA****Filed On: April 5, 2018**

Lamar C. Chapman, III, In His Oathful and
Duty Bound Public Interest Capacity, aa
Perpetual, "Inferior Officer" of the United
States of America as Established by Article II,
Section 2 of the United States Constitution,

Appellant

v.

Barack Hussein Obama, In His Personal and
Individual Capacity As Ineligible Commander
In Chief of the Executive Branch of
Government; Void Forty Fourth President of
the United States of America, also known as
Barry Surroro, also known as Barack
Dunham, also known as Barry Dunham, also
known as Barry Obama, also known as Barry
Sierra,

Appellee

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

BEFORE: Henderson and Tatel, 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). Upon consideration of the foregoing, and the motion to vacate this court's May 10, 2017 order to pay the filing fee or to file a motion for leave to proceed in forma pauperis, and the motions for judicial notice, it is

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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5100**September Term, 2017**

ORDERED that the motion to vacate be denied. It is

FURTHER ORDERED that the motions for judicial notice be denied. Appellant has not shown the materials of which judicial notice is sought are necessary to the disposition of this appeal. It is

FURTHER ORDERED AND ADJUDGED that the district court's September 1, 2016 order dismissing appellant's complaint be affirmed. The district court correctly concluded that appellant lacked standing to challenge President Barack Obama's qualifications for holding office. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992) (party invoking jurisdiction of the court must demonstrate a "concrete and particularized" injury in fact); Berg v. Obama, 586 F.3d 234, 239 (3d Cir. 2009) ("[A] candidate's ineligibility under the Natural Born Citizen Clause does not result in an injury in fact to voters."). Insofar as appellant claims that his criminal conviction and present state of incarceration are individualized harms resulting from the Obama presidency, his exclusive means for seeking relief is a petition under 28 U.S.C. § 2255 filed in the district where appellant is in custody. See Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004).

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

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5100

September Term, 2017

1:16-cv-01763-UNA

Filed On: July 17, 2018

Lamar C. Chapman, III, In His Oathful and
Duty Bound Public Interest Capacity, a
Perpetual, "Inferior Officer" of the United
States of America as Established by Article II,
Section 2 of the United States Constitution,

Appellant

v.

Barack Hussein Obama, In His Personal and
Individual Capacity As Ineligible Commander
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Government; Void Forty Fourth President of
the United States of America, also known as
Barry Surroro, also known as Barack
Dunham, also known as Barry Dunham, also
known as Barry Obama, also known as Barry
Sierro,

Appellee

BEFORE: Garland, Chief Judge, and Henderson, Rogers, Tatel, Griffith,
Kavanaugh, Srinivasan, Millett, Pillard, Wilkins, and Katsas, Circuit
Judges, and Ginsburg, Senior Circuit Judge

ORDER

Upon consideration of the petition for rehearing en banc, which is combined with
a motion for extension of time to file a memorandum in support of the petition, and the
absence of a request by any member of the court for a vote on the petition, it is

ORDERED that the motion for extension of time be denied. It is

Circuit Judge Kavanaugh did not participate in this matter.

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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5100

September Term, 2017

FURTHER ORDERED that the petition for rehearing en banc be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk

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FILED

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Clerk, U.S. District and
Bankruptcy Courts

LAMAR CHRISTOPHER CHAPMAN, III,

Plaintiff,

v.

BARACK HUSSEIN OBAMA,

Defendant.

Case: 1:16-cv-01763 Jury Demand
Assigned To : Unassigned
Assign. Date : 9/1/2016
Description: Pro Se Gen. Civil (F Deck)

ORDER

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

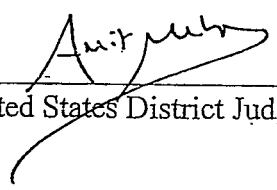
ORDERED that the plaintiff's application to proceed *in forma pauperis* is GRANTED;

and it is

FURTHER ORDERED that the complaint and this civil action are DISMISSED.

This is a final appealable Order. See Fed. R. App. P. 4(a).

SO ORDERED.


United States District Judge

DATE: 8/31/16

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FILED

SEP - 1 2016

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIAClerk, U.S. District and
Bankruptcy Courts

LAMAR CHRISTOPHER CHAPMAN, III,

Plaintiff,

v.

BARACK HUSSEIN OBAMA,

Defendant.

Case: 1:16-cv-01763 Jury Demand
Assigned To : Unassigned
Assign. Date : 9/1/2016
Description: Pro Se Gen. Civil (F Deck)MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* civil complaint. The application will be granted, and the complaint will be dismissed.

All of the constitutional violations plaintiff allegedly has suffered – including his criminal convictions, subsequent incarceration and the conditions of his confinement – stem from the action or inaction of the current President of the United States. According to plaintiff, defendant is not qualified to serve as this nation's President. Rather, plaintiff claims that “[d]efendant is a charlatan,” Compl. at 4, who is not even a citizen of the United States, *see, e.g., id.* at 11-18. Plaintiff's demand for an order nullifying this presidency, *id.* at 45, fails because he lacks standing to bring it.

“So-called ‘Article III standing’ has three requirements: (1) the plaintiff has suffered ‘an injury in fact,’ (2) that injury bears a causal connection to the defendant’s challenged conduct, and (3) a favorable judicial decision will likely provide the plaintiff with redress from that injury.” *Hollander v. McCain*, 566 F. Supp. 2d 63, 67 (D.N.H. 2008) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)). Here, because plaintiff is “raising only a generally available grievance about government-claiming only harm to his and every citizen’s interest in

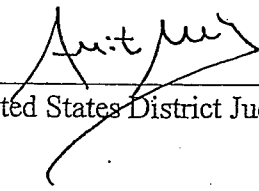
proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large—does not state an Article III case or controversy.” *Cohen v. Obama*, No. 08-2150, 2008 WL 5191864, at *1 (D.D.C. Dec. 11, 2008) (citing *Lujan*, 504 U.S. at 573-74), *aff’d*, 332 F. App’x 640 (D.C. Cir. 2009); see *Drake v. Obama*, 664 F.3d 774, 778 (9th Cir. 2011) (dismissing for lack of standing claim brought by “active, inactive, or retired military personnel; state political representatives; private individuals, including federal taxpayers and at least one individual who claims to be a relative of Barack Obama; and political candidates during the 2008 general election” that defendant “is constitutionally ineligible to be President of the United States”); *Reade v. Galvin*, No. 12-11492, 2012 WL 5385683, at *3 (D. Mass. Oct. 30, 2012) (concluding that plaintiff “lacks standing to challenge President Obama’s eligibility for the presidency, just as others who have made similar claims were found to lack standing”). Even if plaintiff had alleged adequately that this presidency harmed him specifically, any injury he may have suffered is “too general for purposes of Article III.” *Berg v. Obama*, 586 F.3d 234, 240 (3d Cir. 2009).

Insofar as plaintiff challenges his criminal convictions and sentences imposed by other federal courts, a civil action against the President is not a proper means to challenge them. “[I]t is well-settled that a [person] seeking relief from his conviction or sentence may not bring [actions for injunctive and declaratory relief].” *Williams v. Hill*, 74 F.3d 1339, 1340 (D.C. Cir. 1996) (per curiam) (citations omitted). Rather, such relief is available via a motion to vacate sentence under 28 U.S.C. § 2255. See *Taylor v. U.S. Bd. of Parole*, 194 F.2d 882, 883 (D.C. Cir. 1952) (stating that a motion to vacate under 28 U.S.C. § 2255 is the proper vehicle for challenging the constitutionality of a statute under which a defendant is convicted); *Ojo v. Immigration & Naturalization Serv.* 106 F.3d 680, 683 (5th Cir. 1997) (explaining that the

sentencing court is the only court with jurisdiction to hear a defendant's complaint regarding errors that occurred before or during sentencing). Furthermore, to the extent that a judgment in plaintiff's favor necessarily would validate his conviction and sentence, he cannot recover damages because he does not demonstrate that his conviction already has been invalidated by "revers[al] on direct appeal, expunge[ment] by executive order, declar[ation of invalidity] by a state tribunal authorized to make such determination, or . . . a federal court's issuance of a writ of habeas corpus." *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994).

The complaint will be dismissed. An Order consistent with this Memorandum Opinion is issued separately.

DATE: 8/31/12



United States District Judge

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