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Appendix A

21-5147 Docket

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

Court of Appeals Docket #: 21-5147

Docketed: 06/29/2021

Termed: 10/01/2021

Nature of Suit: 2370 Other Fraud

Xiu Sun v. Barack Obama

**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 : 1:21-cv-01442-JDB

Lead: 1:21-cv-01442-JDB

Trial Judge: John D. Bales , U.S. District Judge

Date Filed: 05/24/2021

Date Order/Judgment: 06/04/2021

**Date NOA Filed:
06/23/2021**

Prior Cases: None

Current Cases: None

Panel Assignment: Not available

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Plaintiff - Appellee

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

Plaintiff - Appellant

Xiu Jian Sun

Direct: 646-675-0308

[NTC Pro Se]

54-25 153rd Street Second Floor

Flushing, NY 11355

v.

Barack Hussein Obama, (Herod)

Defendant - Appellee

Xiu Jian Sun, Spiritual Adam, Church of Jesus Christ
of Latter-Day Saints,

Plaintiff - Appellant

v.

Barack Hussein Obama, (Herod),

Defendant - Appellee

06/29/2021 US CIVIL CASE docketed. [21-5147]
[Entered: 06/29/2021 02:03 PM]

06/29/2021 8 pg, 437.32 KB, NOTICE OF APPEAL
[1904342] seeking review of a decision
by the U.S. District Court in
1:21-cv-01442-JDB filed by Xiu Jian
Sun. Appeal assigned USCA Case
Number: 21-5147. [21-5147] [Entered:
06/29/2021 02:13 PM]

06/29/2021 2 pg, 44.04 KB, CLERK'S ORDER
[1904354] filed setting briefing

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schedule: APPELLANT Brief due 08/18/2021. APPENDIX due 08/18/2021, 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. [21-5147] [Entered: 06/29/2021 02:36 PM]

06/29/2021	CERTIFIED AND FIRST CLASS MAIL SENT [1904374] with return receipt requested [Receipt No.7017 3040 0001 1261 3707] of order [1904354-5]. Certified Mail Receipt due 07/29/2021 from Xiu Jian Sun. [21-5147] [Entered: 06/29/2021 03:37 PM]
08/05/2021	11 pg, 10.41 MB, APPELLANT BRIEF [1909510] filed by Xiu Jian Sun [Service Date: 08/02/2021] Length of Brief: 1,059 Words. [21-5147] [Entered: 08/09/2021 12:52 PM]
08/05/2021	33 pg, 44.76 MB, APPENDIX [1909514] filed by Xiu Jian Sun. [Volumes: 1] [Service Date: 08/02/2021] [21-5147] [Entered: 08/09/2021 12:59 PM]
09/17/2021	1 pg, 38.98 KB, PER CURIAM ORDER [1914651] filed that the court will dispose of the appeal without oral argument on the basis of the record

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and presentations in the briefs pursuant to Fed. R. App. 34(a)(2); D.C.Cir.Rule 34(j). Before Judges: Tatel, Rao, and Sentelle. [21-5147] [Entered: 09/17/2021 02:05 PM]

10/01/2021 1 pg, 42.38 KB, PER CURIAM JUDGMENT [1916374] filed (without memorandum) that the district court's order filed June 4, 2021, be affirmed. (SEE JUDGMENT FOR DETAILS) withholding issuance of the mandate. Before Judges: Tatel, Rao and Sentelle. [21-5147] [Entered: 10/01/2021 10:06 AM]

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USCA Case #21-5147 Document #1914651 Filed:
09/17/2021 Page 1 of 1

**United States Court of Appeals
For The District of Columbia Circuit**

No. 21-5147 **September Term, 2021**
1:21-cv-01442-JDB

Filed On: September 17, 2021

Xiu Jian Sun, Spiritual Adam,
Appellant

v.

Barack Hussein Obama,
Appellee

BEFORE: Tatel and Rao, Circuit Judges, and
Sentelle, Senior Circuit Judge

ORDER

The court concludes, on its own motion, that oral argument will not assist the court in this case. Accordingly, the court will dispose of the appeal without oral argument on the basis of the record and the presentation in appellant's brief. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j).

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Manuel J. Castro
Deputy Clerk

USCA Case #21-5147 Document #1904342 Filed:
06/29/2021 Page 5 of 8

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

XIU JIAN SUN, Spiritual Adam,
Plaintiff,
v. Civil Action No. 21-1442 (JDB)
BARACK HUSSEIN OBAMA II,
Defendant.

ORDER

Upon consideration of [1] plaintiff's complaint, and the entire record herein, and for the reasons explained in the accompanying Memorandum Opinion, it is hereby

ORDERED that the complaint and this civil action are **DISMISSED WITH PREJUDICE**. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith.

SO ORDERED.

/s/
JOHN D. BATES
United States District Judge

Dated: June 4, 2021

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USCA Case #21-5147 Document #1904342 Filed:
06/29/2021 Page 6 of 8

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

XIU JIAN SUN, Spiritual Adam,
Plaintiff,

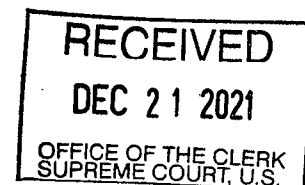
v. Civil Action No. 21-1442 (JDB)

BARACK HUSSEIN OBAMA II,
Defendant.

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 against “Barack Obama (Herod)” on April 12, 2021. Compl. [ECF No. 1]. Because plaintiff’s complaint does not state the grounds upon which this Court’s jurisdiction depends or a claim upon which relief can be granted, the Court will dismiss this case sua sponte.

As a prefatory matter, the Court notes that plaintiff is a serial complainant who has filed numerous suits in this and other state and federal courts. See, e.g., Mem. Op. & Order Granting Def.’s Mot. to Dismiss at 2, Church of Jesus Christ of Latter-Day Saints v. Lawrence, No. 19-cv_2886 (RC) (D.D.C.



Apr. 20, 2020) [ECF No. 7], aff'd sub nom. Sun v. Lawrence, No. 20-5112, 2020 WL 6600947 (D.C. Cir. Oct. 20, 2020) (per curiam) (collecting cases and dismissing because “Sun’s complaint is unintelligible”); Sun v. Secret Gang Org.: Obama Barack-Dog, No. 17-cv_1861 (JDB), 2018 WL 4567164, at *1–3 (D.D.C. Sept. 24, 2018), aff'd sub nom. Sun v. Obama, No. 18-5313, 2019 WL 1239812 (D.C. Cir. Mar. 5, 2019) (per curiam) (noting that Sun had filed at least eight similar complaints and dismissing for failure to state a claim).

In the instant case, plaintiff’s complaint “alleges” that “[t]he Lord god of hosts Jehovah, sent messenger through the angel answers to the defendant Barack Obama – Herod said: ‘you will be dying in your sin.’” Compl. ¶ 1. Then, plaintiff quotes from “The Doctrine and Covenants,” id. ¶ 2, and requests “[t]rial with god’s law” and a “jury to prevent insult and unfair behavior,” id. ¶ 4, as well as “a Mandarin Chinese court interpreter,” id. ¶ 5.

Although complaints filed by pro se litigants are held to less stringent standards than formal pleadings drafted by lawyers, see Haines v. Kerner, 404 U.S. 519, 520 (1972), even pro se litigants must comply with the Federal Rules of Civil Procedure, see Jarrell v. Tisch, 656 F. Supp. 237, 239 (D.D.C. 1987). Rule 8(a) requires that a complaint contain “(1) a short and plain statement of the grounds for the Court’s

jurisdiction, . . . ; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought.” Fed. R. Civ. P. 8(a). Moreover, under Rule 12(b)(1) 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) (quoting Best v. Kelly, 39 F.3d 328, 330 (D.C. Cir. 1994)). Claims are insubstantial if they are “essentially fictitious.” Best, 39 F.3d at 330 (quoting Hagans v. Lavine, 415 U.S. 528, 537–38 (1974)). Courts may also dismiss complaints sua sponte for failure to state a claim under Rule 12(b)(6) “whenever ‘the plaintiff cannot possibly win relief.’” Id. at 331 (quoting Baker v. Director, U.S. Parole Comm’n, 916 F.2d 725, 726 (D.C. Cir. 1990) (per curiam)).

The Court finds that the complaint here is incomprehensible. Even after a liberal construction and careful examination of plaintiff’s complaint, this Court is unable to identify any colorable claims. The complaint does not state the grounds upon which this Court’s jurisdiction depends, a cognizable claim showing plaintiff’s entitlement to relief, or a demand for relief. 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, “th[is] plaintiff has made a practice of suing any judge, court personnel, government official, or person with whom he has ever interacted. In addition, the allegations consist entirely of religious pronouncements.” No. 17-CV-5916 (AMD)(SMG), 2017 WL 4740811, at *2 (E.D.N.Y. Oct. 19, 2017). This complaint follows the same pattern. Plaintiff has not asserted any causes of action or sought any specific relief. The complaint therefore fails to comply with Rule 8(a) and will be dismissed. Further, any claim that might be gleaned from the complaint would be “patently insubstantial” insofar as plaintiff alleges the suit stems from a divine messenger. Compl. ¶ 1; Best, 39 F.3d at 330 (noting that allegations of “any sort of supernatural intervention” meet the “essentially fictitious” standard). Hence, the complaint could also be dismissed for lack of subject-matter jurisdiction under Rule 12(b)(1) or failure to state a claim under Rule 12(b)(6).

For these reasons, the Court will dismiss this case. A separate order has been issued on this date.

/s/

JOHN D. BATES

United States District Judge

Dated: June 4, 2021

CERTIFICATE OF COMPLIANCE

Plaintiff, I (Servant) hereby certify the foregoing brief was prepared on a computer using a Word 2016 Word processing system. A proportionally spaced typeface was used as follow.

Name of typeface: **Century Schoolbook**

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The total number of words in the brief, inclusive of point heading and footnotes and exclusive of pages containing the table of contents, table of citations, proof of service, certificate of compliance, or any authorized addendum containing statutes, rules, regulations, ordinance and God's commandment etc., is 1227.

Dated: Queens, New York

November 2, 2021

The Church of Jesus Christ of Latter-day saints

Servant: *Xiu Jian Sun, the spiritual Adam*

Xiu Jian Sun, the spiritual Adam

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Plaintiff