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MANDATE

S.D.N.Y. - N.Y.C.
25-cv-1102
Swain, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20th day of June, two thousand twenty-five.

Dmt MacTruong,

Petitioner,

v.

25-624

President Donald Trump, et al.,

Respondents.

In 2010, this Court entered a leave-to-file sanction against Petitioner barring "any further submissions" in this Court without first obtaining leave. *See Truong v. Charles Schwab & Co.*, 2d Cir. 09-1162, 3/18/10 Order. Petitioner now moves for leave to file this appeal. Upon due consideration, it is hereby ORDERED that the motion is DENIED because the appeal does not depart from Petitioner's "prior pattern of vexatious filings." *In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993).

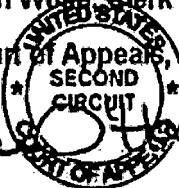
FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. SENATOR ADAM SCHIFF; DMT
MACTRONG; JACK SMITH; U.S.
SENATOR ELIZABETH WARREN; ALVIN
L. BRAGG, JR.; U.S. SENATOR CORY
BOOKER; U.S. SENATOR RAND PAUL;
U.S. REP. ALEX. OCASIO-CORTEZ; U.S.
SENATOR BERNIE SANDERS,

Plaintiffs,

-against-

PRESIDENT DONALD J. TRUMP; VICE
PRESIDENT J.D. VANCE,

Defendants.

25 CIVIL 1102

CIVIL JUDGMENT

For the reasons stated in the February 18, 2025, order, the Court dismisses this action without prejudice for Plaintiff's failure to comply with the November 25, 2013 bar order. 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 and therefore IFP status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: February 19, 2025
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. SENATOR ADAM SCHIFF; DMT
MACTRONG; JACK SMITH; U.S.
SENATOR ELIZABETH WARREN; ALVIN
L. BRAGG, JR.; U.S. SENATOR CORY
BOOKER; U.S. SENATOR RAND PAUL;
U.S. REP. ALEX. OCASIO-CORTEZ; U.S.
SENATOR BERNIE SANDERS;

Plaintiffs,

-against-

PRESIDENT DONALD J. TRUMP; VICE
PRESIDENT J.D. VANCE,

Defendants.

25-CV-1102 (LTS)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

On November 25, 2013, Plaintiff DMT Mactruong was barred from filing any new action *in forma pauperis* (IFP) in this court without first obtaining leave to file. *See Truong v. Sapir*, No. 13-CV-2771 (PAE) (S.D.N.Y. Nov. 25, 2013) (directing the Clerk of Court to “refuse all future filings by [Plaintiff], in this or in any future lawsuit, unless accompanied by a Court order granting [Plaintiff] permission to so file.”); *see also Truong v. Sapir*, No. 13-CV-9086 (LAP) (S.D.N.Y. Jan. 27, 2014) (noting Plaintiff’s “well-documented history of filing repetitive lawsuits” and dismissing that complaint as “frivolous” under 28 U.S.C. § 1651), *appeal dismissed*, No. 14-600 (2d Cir. July 24, 2014) (noting that in 2010, the Second Circuit imposed a “leave-to-file sanction” against Plaintiff, and dismissing his appeals as frivolous).¹

¹ Plaintiff previously filed complaints as “Mac Truong” or “Dr. Mac Truong.” *See, e.g.*, *Truong v. Sapir*, No. 13-CV-2771 (S.D.N.Y.). In this complaint, Plaintiff identifies himself as “DMT Mactruong.” (ECF 1.) He has of late been filing complaints under this name. *See, e.g.*, *Truong v. Governor of Fla.*, No. 22-13049-A, 2022 WL 17566613, at *1 (11th Cir. 2022) (dismissing complaint filed under the name DMT Mactruong for want of prosecution). Public Access to Court Electronic Records (PACER) shows that Plaintiff has filed more than 200 *pro se* actions in multiple federal courts under both names.

Plaintiff files this new *pro se* case, seeks IFP status, and he has not sought leave to file. The Court therefore dismisses the action without prejudice for Plaintiff's failure to comply with the November 25, 2013 order.

The Court notes, however, that even if Plaintiff had sought leave, it would deny him leave to proceed IFP. Plaintiff is a disbarred attorney,² and thus not entitled to the solicitude generally given to *pro se* litigants. *See Tracy v. Freshwater*, 623 F.3d 90, 102 (2d Cir. 2010) ("[A] lawyer representing himself ordinarily receives no such solicitude at all.") He purportedly filed this complaint on behalf of himself and various federal and state officials, seeking³

JUDGMENT(S) DECLARING DEFENDANTS' EGREGIOUS ABUSE OF POWER, COMMISSION OF HIGH CRIMES, MISDEMEANORS, TREASON, AND INSURRECTION TO TAKE OR KEEP EXECUTIVE POWER BY MISREPRESENTATIONS OF FACT OR VIOLENCE, AND RECOMMENDING THAT CONGRESS INVEST/GA TE, TRY, IMPEACH AND REMOVE DEFENDANTS FROM THE PRESIDENCY & VICE PRESIDENCY.

(ECF 1 at 1.)

The Court finds that this complaint is not a departure from Plaintiff's pattern of engaging in frivolous and vexatious litigation. *See Truong v. Stitt*, No. 22-CV-491-R, 2022 WL 2820115, at *1 (W.D. Okla. July 19, 2022) (dismissing as frivolous complaint "ostensibly [filed] on behalf of twenty-four additional individuals or entities" against Trump and Supreme Court justices, among others), *aff'd*, No. 22-6144, 2022 WL 17421501 (10th Cir. Dec. 6, 2022).

CONCLUSION

The Court dismisses this action without prejudice for Plaintiff's failure to comply with the November 25, 2013 bar order.

² *In re Disbarment of Truong*, 549 U.S. 804 (2006).

³ The Court quotes from the complaint verbatim. All spelling, grammar, and punctuation are as in the original unless noted otherwise.

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 and therefore IFP status is denied for the purpose of an appeal. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: February 18, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

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