United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 06/06/2025.

Case Name: Tarra Perez v. Donald Trump
Case Number: 25-1459

Docket Text:
ORDER filed : We therefore DISMISS this appeal for lack of jurisdiction (late notice of appeal). No mandate to issue, decision not for publication. Julia Smith Gibbons, Circuit Judge; John K. Bush, Circuit Judge and Stephanie Dawkins Davis, Circuit Judge.

The following documents(s) are associated with this transaction:
Document Description: Order

Notice will be sent to:

Ms. Tarra Anne Perez
360 Third Avenue
Apartment B7
Pentwater, MI 49449

A copy of this notice will be issued to:

Ms. Ann E. Filkins

NOT RECOMMENDED FOR PUBLICATION

No. 25-1459

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jun 6, 2025
KELLY L. STEPHENS, Clerk

TARRA ANNE PEREZ, Plaintiff-Appellant, v. PRESIDENT DONALD J. TRUMP, Defendant-Appellee.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

ORDER

Before: GIBBONS, BUSH, and DAVIS, Circuit Judges.

"Every federal appellate court has a special obligation to satisfy itself . . . of its own jurisdiction . . . ." *Alston v. Advanced Brands & Importing Co.*, 494 F.3d 562, 564 (6th Cir. 2007) (quoting *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 95 (1998)). Generally, in a civil case where the United States, a United States agency, or a United States officer or employee is a party, a notice of appeal must be filed within 60 days after the judgment or order appealed from is entered. 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1)(B).

Tarra Anne Perez filed a civil-rights action in January 2025. On February 13, 2025, the district court dismissed the action for lack of standing. On May 2, 2025, Perez filed a notice of appeal.

Perez's notice of appeal is late, and her failure to timely file a notice of appeal deprives this court of jurisdiction. Compliance with the filing deadline in § 2107 is a mandatory jurisdictional prerequisite that this court may not waive. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 583 U.S. 17, 26 (2017) (citing *Bowles v. Russell*, 551 U.S. 205, 213 (2007)). And the

statutory provisions permitting the district court to extend or reopen the time to appeal do not apply here. *See* 28 U.S.C. § 2107(c).

We therefore **DISMISS** this appeal for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 07/10/2025.

Case Name: Tarra Perez v. Donald Trump
Case Number: 25-1459

Docket Text:
ORDER filed the petition for panel rehearing [7366984-2] is DENIED. Julia Smith Gibbons, Circuit Judge; John K. Bush, Circuit Judge and Stephanie Dawkins Davis, Circuit Judge.

The following documents(s) are associated with this transaction:
Document Description: Order

Notice will be sent to:

Ms. Tarra Anne Perez
360 Third Avenue
Apartment B7
Pentwater, MI 49449

A copy of this notice will be issued to:

Ms. Ann E. Filkins

No. 25-1459

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jul 10, 2025
KELLY L. STEPHENS, Clerk

TARRA ANNE PEREZ,

Plaintiff-Appellant,

v.

PRESIDENT DONALD J. TRUMP,

Defendant-Appellee.

ORDER

Before: GIBBONS, BUSH, and DAVIS, Circuit Judges.

Tarra Anne Perez filed a petition for rehearing of this court's June 6, 2025, order dismissing this appeal for lack of jurisdiction.

Upon careful consideration, this panel concludes that it did not misapprehend or overlook any point of law or fact when it entered the decision. *See* Fed. R. App. P. 40(b)(1)(A).

The petition for rehearing is **DENIED**.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens

Kelly L. Stephens, Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TARRA ANNE PEREZ,

Plaintiff,

v.

DONALD TRUMP,

Defendant.
_____/

Case No. 1:25-cv-52

HON. JANE M. BECKERING

OPINION AND ORDER

Plaintiff, proceeding *pro se*, initiated this action against President Donald J. Trump, who was then President-elect, by filing a document titled "Motion for Formal Redress of the Electoral College Vote by Congress to Declare Donald J. Trump Ineligible for Presidency of the United States of America" on January 13, 2025 (ECF No. 1). Plaintiff has since filed a supplement to her original filing in this case (ECF No. 9).

On January 14, 2025, the Magistrate Judge issued a Report and Recommendation, recommending that the action be dismissed upon initial screening pursuant to 28 U.S.C. § 1915(e)(2)(B) on standing and jurisdictional grounds. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (ECF No. 8). Also pending before the Court are Plantiff's *pro se* application for electronic filing (ECF No. 10) and Plaintiff's January 29, 2025 motion entitled "Ex Parte Motion Annulment of Presidency" (ECF No. 11). In accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and

Order. The Court dismisses Plaintiff's electronic filing application (ECF No. 10) and motion entitled "Ex Parte Motion Annulment of Presidency" as moot.

Objections must address the "factual and legal" issues "at the heart of the parties' dispute" to enable review by the district court. *Thomas v. Arn*, 474 U.S. 140, 147 (1985). Objections that dispute only the general correctness of the report and recommendation are insufficient. *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (citing *Howard v. Sec'y of Health & Hum. Servs.*, 932 F.2d 505, 509 (6th Cir. 1991) (reasoning that where a party files an objection that is not sufficiently specific, "[t]he functions of the district court are effectively duplicated as both the magistrate and the district court perform identical tasks")). *See also Brown v. City of Grand Rapids, Mich.*, No. 16-2433, 2017 WL 4712064, at *2 (6th Cir. June 16, 2017) ("[A]n objection that does nothing more than state a disagreement with the magistrate's suggested resolution, or simply summarizes what has been presented before is not an 'objection' as that term is used in the context of Federal Rule of Civil Procedure 72.").

In this case, the Magistrate Judge concluded that:

> Plaintiff's complaint presents a generalized grievance brought on behalf of the public at large, which is insufficient to establish standing. *See Schlesinger v. Reservists Comm. To Stop the War*, 418 U.S. 208, 216–17 (1974) (abstract injury shared by all citizens fails to establish standing to sue). Plaintiff fails to allege any "personal stake" in the dispute and has not alleged any injury "particularized as to h[er]." *See Raines v. Byrd*, 521 U.S. 811, 819 (1997). Thus, the Court lacks jurisdiction over Plaintiff's complaint.

(Report and Recommendation ("R&R"), ECF No. 7 at PageID.41). Much of Plaintiff's objection cites and discusses several constitutional provisions, constitutional principles, and legal concepts in support of her contention that now-President Trump ought not hold the office of President of the United States (ECF No. 8 at PageID.43–50). These portions of Plaintiff's objection do not demonstrate any factual or legal error in the Magistrate Judge's analysis. Plaintiff

also objects that it is "false" that she has not experienced an injury sufficient to confer standing to sue (ECF No. 8 at PageID.51). However, the injuries that Plaintiff describes are generalized grievances brought on behalf of the public at large. It is well established that such injuries do not support Article III standing. Non-adherence to the strictures of standing would be incompatible with the rule of law and the lawful exercise of the judicial power. Accordingly, the Court agrees with the Magistrate Judge's reasoning and ultimate conclusion that Plaintiff lacks standing to sue and thus the Court lacks jurisdiction over this case.

A Judgment will be entered consistent with this Opinion and Order. *See* Fed. R. Civ. P. 58. For the above reasons and because this action was filed *in forma pauperis,* this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Accordingly:

IT IS HEREBY ORDERED that the Objections (ECF No. 8) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 7) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the *pro se* application for electronic filing (ECF No. 10) and motion entitled "Ex Parte Motion Annulment of Presidency" (ECF No. 11) are DISMISSED as moot.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: February 13, 2025

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TARRA ANNE PEREZ,

Plaintiff,

v.

Hon. Jane M. Beckering

DONALD TRUMP,

Case No. 1:25-cv-52

Defendant.

REPORT AND RECOMMENDATION

Plaintiff Tarra Perez, proceeding pro se, initiated this action against President-elect Donald J. Trump on January 13, 2025, by filing a document titled "Motion for Formal Redress of the Electoral College Vote by Congress to Declare Donald J. Trump Ineligible for Presidency of the United States of America" (ECF No. 1), which I consider her complaint. Plaintiff purports to invoke this Court's federal question jurisdiction based on the First Amendment's Petition Clause and Section 3 of the Fourteenth Amendment. (*Id.* at PageID.2)

Having granted Plaintiff's motion to proceed as a pauper (ECF No. 5), I have conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine whether it is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. While one or more of these grounds for dismissal likely applies here, I recommend that Plaintiff's action be dismissed because she lacks Article III standing.

I. Background

Plaintiff is a citizen of the State of Michigan. She acknowledges that Mr. Trump won both the popular vote and the electoral college vote in the 2024 Presidential election, but she asserts that in certifying Mr. Trump as the winner of the 2024 election, Congress abrogated its duty to

protect and defend the United States Constitution by failing to challenge the vote knowing that Mr. Trump has promised to pardon all of the individuals convicted of participating in the January 6, 2021 insurrection. (ECF No. 1 at PageID.2.) Plaintiff goes on to set forth a litany of additional reasons why Mr. Trump is unfit for and/or disqualified from holding the office of President of the United States. (*Id.* at PageID.3–17.) For relief, Plaintiff requests that the Court enjoin Mr. Trump's impending January 20, 2025 inauguration based on a proposed finding that "Donald J. Trump is not eligible for presidency as stated under the 14th amendment of the constitution because the life, liberty, and freedoms of all Americans as well as our constitution is at danger of existence if ignored." (*Id.* at PageID.2, 17.)

II. Discussion

As courts of limited jurisdiction, "federal court[s] must proceed with caution in deciding that [they have] subject matter jurisdiction." *Musson Theatrical, Inc. v. Fed. Express Corp.*, 89 F.3d 1244, 1252 (6th Cir. 1996). "It is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). Regardless of whether the parties raise the issue, a federal court is obligated to examine its subject matter jurisdiction sua sponte. *See City of Kenosha v. Bruno*, 412 U.S. 507, 511 (1973); *Norris v. Schotten*, 146 F.3d 314, 324 (6th Cir. 1998).

Article III of the Constitution limits the "judicial Power" of federal courts to "Cases" and "Controversies." U.S. Const. art. III, § 2, cl. 1. Standing is one component of Article III jurisdiction. If a plaintiff lacks Article III standing, the court has no subject matter jurisdiction to hear the claim. *Imhoff Inv., LLC v. Alfoccino, Inc.*, 792 F.3d 627, 631 (6th Cir. 2015); *Central States Se. & Sw. Areas Health & Welfare Fund v. Merck-Medco Managed Care, LLC*, 433 F.3d

181, 198 (2d Cir. 2005) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)). This Court has no authority to render advisory opinions, issue opinions on abstract principles, or hear generalized grievances. *See Allen v. Wright*, 468 U.S. 737, 751 (1984); *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975); *North Carolina v. Rice*, 404 U.S. 244, 246 (1971). Thus, a plaintiff seeking relief must show that she has standing to assert a claim.

The test for Article III standing is well known. To be entitled to sue in federal court, a plaintiff must have suffered some actual or threatened injury due to the alleged illegal conduct of the defendant; the injury must be "fairly traceable" to the challenged action; and there must be a substantial likelihood that the relief requested will redress or prevent the plaintiff's injury. *Valley Forge Christian Coll. v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 472 (1982). An injury in fact requires "'an invasion of a legally protected interest' that is 'concrete and particularized' and 'actual or imminent, not conjectural or hypothetical.'" *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016) (quoting *Lujan*, 504 U.S. at 560). The alleged harm "'must affect the plaintiff in a personal and individual way.'" *Id.* (quoting *Lujan*, 504 U.S. at 560 n.1).

Courts addressing similar challenges have observed that a voter's "generalized interest" in an election does not suffice to confer standing. *Schulz v. Congress of the United States*, No. 21-cv-448, 2021 WL 2457881, at *2 (D.D.C. June 16, 2021) (citing *La Botz v. Fed. Election Comm'n*, 889 F. Supp. 2d 51, 56 (D.D.C. 2012)); *see also Wisconsin Voters All. v. Pence*. 514 F. Supp. 3d 117, 120 (D.D.C. 2021) (finding that plaintiff voter groups from Wisconsin, Pennsylvania, Georgia, Michigan, and Arizona whose votes were counted and electors certified pursuant to state-authorized procedure lacked a "concrete and particularized injury," as the claims they raised amounted to nothing more than " a 'generalized grievance' stemming from an attempt to have the Government act in accordance with their view of the law") (citing *Hollingsworth v. Perry*, 570

U.S. 693, 706 (2013)). More specifically, to have standing in a suit challenging a candidate's qualification for office, the plaintiff must be "someone who would obtain the office if the incumbent were ousted." *Sibley v. Obama*, No. 12-5198, 2012 WL 6603088, at *1 (D.C. Cir. Dec. 6, 2012). Plaintiff makes no such allegation here. In short, "an individual citizen does not have standing to challenge whether another individual is qualified to hold public office." *Caplan v. Trump*, No. 23-CV-61628, 2023 WL 6627515, at *2 (S.D. Fla. Aug. 31, 2023) (citing *Kerchner v. Obama*, 612 F.3d 204, 207–08 (3d Cir. 2010) (rejecting the plaintiffs' standing argument of an individualized injury based on their oaths to defend and support the Constitution as members of the armed forces because their injuries resulting from Barack Obama's alleged ineligibility for the office of the President under Article II's Natural Born Citizen Clause was "too generalized to be cognizable in Article III courts")).

Plaintiff's complaint presents a generalized grievance brought on behalf of the public at large, which is insufficient to establish standing. *See Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 216–17 (1974) (abstract injury shared by all citizens fails to establish standing to sue). Plaintiff fails to allege any "personal stake" in the dispute and has not alleged any injury "particularized as to h[er]." *See Raines v. Byrd*, 521 U.S. 811, 819 (1997). Thus, the Court lacks jurisdiction over Plaintiff's complaint.

III. Conclusion

For the foregoing reasons, I recommend that the Court dismiss this action for lack of standing/jurisdiction.

The Court must also decide whether an appeal of this action would be in good faith within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997). Good faith is judged objectively, *Coppedge v. United States*, 369 U.S. 438, 445 (1962), and

an appeal is not taken in good faith if the issue presented is frivolous, defined as lacking an arguable basis either in fact or law. *See Dellis v. Corr. Corp. of Am.*, 257 F.3d 508, 511 (6th Cir. 2001). For the same reasons that I recommend dismissal of the action, I discern no good faith basis for an appeal and recommend that, should Plaintiff appeal this decision, the Court assess the $605.00 appellate filing fee pursuant to Section 1915(b)(1), *see McGore*, 114 F.3d at 610-11.

Date: January 15, 2025

/s/ Sally J. Berens
SALLY J. BERENS
U.S. Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TARRA ANNE PEREZ,

Plaintiff,

v. Hon. Jane M. Beckering

DONALD TRUMP, Case No. 1:25-cv-52

Defendant.

REPORT AND RECOMMENDATION

Plaintiff Tarra Perez, proceeding pro se, initiated this action against President-elect Donald J. Trump on January 13, 2025, by filing a document titled "Motion for Formal Redress of the Electoral College Vote by Congress to Declare Donald J. Trump Ineligible for Presidency of the United States of America" (ECF No. 1), which I consider her complaint. Plaintiff purports to invoke this Court's federal question jurisdiction based on the First Amendment's Petition Clause and Section 3 of the Fourteenth Amendment. (*Id.* at PageID.2)

Having granted Plaintiff's motion to proceed as a pauper (ECF No. 5), I have conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine whether it is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. While one or more of these grounds for dismissal likely applies here, I recommend that Plaintiff's action be dismissed because she lacks Article III standing.

I. Background

Plaintiff is a citizen of the State of Michigan. She acknowledges that Mr. Trump won both the popular vote and the electoral college vote in the 2024 Presidential election, but she asserts that in certifying Mr. Trump as the winner of the 2024 election, Congress abrogated its duty to

protect and defend the United States Constitution by failing to challenge the vote knowing that Mr. Trump has promised to pardon all of the individuals convicted of participating in the January 6, 2021 insurrection. (ECF No. 1 at PageID.2.) Plaintiff goes on to set forth a litany of additional reasons why Mr. Trump is unfit for and/or disqualified from holding the office of President of the United States. (*Id.* at PageID.3–17.) For relief, Plaintiff requests that the Court enjoin Mr. Trump's impending January 20, 2025 inauguration based on a proposed finding that "Donald J. Trump is not eligible for presidency as stated under the 14th amendment of the constitution because the life, liberty, and freedoms of all Americans as well as our constitution is at danger of existence if ignored." (*Id.* at PageID.2, 17.)

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181, 198 (2d Cir. 2005) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)). This Court has no authority to render advisory opinions, issue opinions on abstract principles, or hear generalized grievances. *See Allen v. Wright*, 468 U.S. 737, 751 (1984); *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975); *North Carolina v. Rice*, 404 U.S. 244, 246 (1971). Thus, a plaintiff seeking relief must show that she has standing to assert a claim.

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Date: January 15, 2025

/s/ Sally J. Berens
SALLY J. BERENS
U.S. Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).