

MEMORANDUM OPINION and ORDER

APPENDIX A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSE M. COLON,)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:25-cv-01863 (UNA)
)	
DONALD TRUMP, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

Plaintiff, who is currently designated to San Quentin State Prison, initiated this matter on May 19, 2025, by filing a *pro se* Complaint (“Compl.”), ECF No. 1, and Application for Leave to Proceed *in forma pauperis*, ECF No. 2. He failed, however, to file a copy of his six-month trust fund prisoner account statement as required by 28 U.S.C. § 1915(a)(2). The Court therefore granted Plaintiff a 30-day extension to submit the missing required financial information. *See* Order, ECF No. 4. Plaintiff has since responded to that Order, by filing a largely compliant prisoner account statement, ECF No. 5. Accordingly, the Court grants Plaintiff’s *in forma pauperis* Application. However, upon review of the Complaint, and as explained in more detail below, it dismisses this case without prejudice for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action “at any time” if it determines that the subject matter jurisdiction is wanting).

Plaintiff sues President Trump, Elon Musk, the Governor of Florida, the Attorney General of Texas, and a U.S. Representative from Ohio. *See* Compl. at 1–3. The 71-page Complaint chronicles a litany of alleged wrongful acts committed by Defendants that have violated the civil and constitutional rights of “every American,” and have exceeded Defendants’ given authority. *See generally id.* Plaintiff demands assorted equitable relief “restoring the federal government to

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the condition it was in before Trump became President,” including restoration of funding to federal agencies and programs, and the return of former federal employees to their previous positions, including backpay. *See id.* at 61. He also asks that the Court enjoin the Defendants from allegedly assisting Defendant Musk in breaking SEC rules and harassing SEC employees. *See id.*


Accepting all the allegations as true at this stage as obligated, *see Ashcroft v. Iqbal*, 556 U.S. 662, 669 (2009), Plaintiff has nonetheless failed to establish standing in this matter. Article III of the Constitution, federal courts “may only adjudicate actual, ongoing controversies,” *Honig v. Doe*, 484 U.S. 305, 317 (1988), of which “the core component of standing is an essential and unchanging part[.]” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992). To satisfy the standing requirement, a plaintiff must establish at a minimum (1) that he has “suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized; and (b) actual or imminent, not conjectural or hypothetical[;]” (2) that “a causal connection” exists “between the injury and the conduct complained of . . . and [is] not the result of the independent action of some third party not before the court[;]” and (3) that the injury will “likely” be redressed by a favorable decision. *Id.* at 560–61 (cleaned up). As here, “a defect of standing is a defect in subject matter jurisdiction.” *Haase v. Sessions*, 835 F.2d 902, 906 (D.C. Cir. 1987).

Plaintiff does not allege a redressable injury that is particularized to himself. The Complaint lacks any factual allegations showing that he sustained, or is likely to sustain, any direct injury because of these events, which as pleaded, did not involve him personally, beyond his role as an American citizen. But “a plaintiff raising only a generally available grievance about” the government or its officials, “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.”

Lujan, 504 U.S. at 573–74; *see also Warth v. Seldin*, 422 U.S. 490, 499 (1975) (finding that where “the asserted harm is a ‘generalized grievance’ shared in substantially equal measure by . . . a large class of citizens, that harm alone normally does not warrant exercise of jurisdiction.”). Where, as here, a “plaintiff’s stake is no greater” than millions of other Americans, the harm is simply “too vague and its effects too attenuated.” *See Berg v. Obama*, 574 F. Supp. 2d 509, 519 (E.D. Pa. 2008), *aff’d*, 586 F.3d 234 (3rd Cir. 2009).

Consequently, this case is dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff’s Motion for Appointment of Counsel, ECF No. 3, is denied as moot. A separate Order accompanies this Memorandum Opinion.

Date: November 24, 2025


TREVOR N. McFADDEN
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSE M. COLON,)	
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Plaintiff,)	
v.)	Civil Action No. 1:25-cv-01863 (UNA)
)	
DONALD TRUMP, et al.,)	
)	
Defendants.)	

ORDER

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

ORDERED that Plaintiff's Application for Leave to Proceed *in forma pauperis*, ECF No. 2, is **GRANTED**, and it is further

ORDERED that the Complaint, ECF No. 1, and this case, are **DISMISSED** without prejudice, and it is further

ORDERED that Plaintiff's Motion for Appointment of Counsel, ECF No. 3, is **DENIED** as moot.

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



TREVOR N. McFADDEN
United States District Judge

Date: November 24, 2025

U.S. COURT OF APPEALS ORDER

APPENDIX B

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5012

September Term, 2025

1:25-cv-01863-UNA

Filed On: January 15, 2026 [2154400]

Jose M. Colon,

Appellant

v.

Donald J. Trump, Sued in their individual an
official capacities, et al.,

Appellees

ORDER

It is **ORDERED**, on the court's own motion, that the following briefing schedule will apply in this case:

Appellant's Brief

March 16, 2026

Appendix

March 16, 2026

After examining the briefs, the court will decide whether to set this case for oral argument. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j); D.C. Circuit Handbook of Practice and Internal Procedures 50-51 (2025)

All issues and arguments must be raised by appellant in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief. To enhance the clarity of their briefs, the parties are cautioned to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 42 (2025); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

A request for appointment of counsel does not relieve appellant of the obligation to file responses to any motion filed by appellees or to comply with any order issued by the court, including a briefing schedule. Failure by appellant to respond to a dispositive motion or comply with any order of the court, including this order, may result in dismissal of the case for lack of prosecution. See D.C. Cir. Rule 38.

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail could delay the processing of the brief.

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Colon v. Trump

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5012

September Term, 2025

Additionally, parties are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a).

The Clerk is directed to send a copy of this order to appellant by whatever means necessary to ensure receipt.

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/
Elbert B.J. Lestrade
Deputy Clerk

NOTICE OF APPEAL

APPENDIX C

Jose M. Colon
B-64633 2-B-9
San Quentin, CA 94964

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JOSE M. COLON
Appellant,

v.

DONALD TRUMP, et al.,
Appellees.

D.C. Circuit # 26-5012

District Court # 25-cv-01863

NOTICE OF APPEAL

Notice is hereby given that, Jose M. Colon, Appellant in the above-entitled matter, Appeals to the United States Supreme Court, under rule 18 and 28 U.S.C. Sec. 2101 (E), concerning the Final Judgment in this action, filed on November 24, 2025, in the District of Columbia District Court.

Respectfully Submitted

Jose M. Colon
Appellant, In pro per

Dated: March 4, 2026

Appendix C

Notice of Appeal

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