

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Glenn Stephens v. President Donald Trump

Stephens · No. 4:25-cv-02356 · Decided December 30, 2025

SUMMARY

A magistrate judge recommends that Glenn Stephens’s pro se complaint against President Donald Trump be dismissed without prejudice for lack of subject-matter jurisdiction. The complaint sought a writ of mandamus directing the President to order drone or missile attacks against two individuals, but the court found no alleged injury supporting Article III standing and deemed the claims wholly insubstantial and frivolous. The recommendation also concludes that amendment would be futile.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Leo A. Latella
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 30, 2025
DOCKET	4:25-cv-02356
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff proceeding in forma pauperis filed a complaint seeking a writ of mandamus directing the President to conduct drone or missile attacks on two individuals. The magistrate judge issued a Report and Recommendation recommending preliminary dismissal without prejudice for lack of subject matter jurisdiction.
STANDARD OF REVIEW	On preliminary in forma pauperis screening, the court applied the Rule 12(b)(6) pleading standard to whether the complaint stated a plausible claim and considered subject matter jurisdiction under Rule 12(b)(1).
PRECEDENTIAL VALUE	Nonprecedential magistrate judge Report and Recommendation

TOPICS

- subject matter jurisdiction
- standing
- civil procedure
- motions to dismiss
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed during in forma pauperis screening under 28 U.S.C. § 1915(e)(2)(B).
2. Whether the plaintiff had Article III standing and presented an actual case or controversy sufficient to establish subject matter jurisdiction.
3. Whether the complaint's allegedly wholly insubstantial and patently frivolous claims independently deprived the court of subject matter jurisdiction under the substantiality doctrine.
4. Whether the plaintiff should be granted leave to amend.

HOLDINGS

1. The complaint failed to establish Article III standing because it alleged no concrete, particularized, actual, or imminent injury to the plaintiff.
2. The complaint should be dismissed for lack of subject matter jurisdiction because its claims were wholly insubstantial and patently frivolous.
3. Leave to amend should be denied as futile.

KEY QUOTATIONS

“sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” (at 3)

“No principle is more fundamental to the judiciary’s proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies.” (at 4)

“the irreducible constitutional minimum of standing contains three elements: injury in fact, causation, and redressability” (at 4)

“are so attenuated and unsubstantial as to be absolutely devoid of merit.” (at 6)

FACTUAL BACKGROUND

The plaintiff alleged that the President had authority and discretion to act against alleged narco-terrorists and requested a writ of mandamus directing drone or missile attacks on the District Attorney of Lycoming County and a former Inspector General of the Department of Defense. The complaint did not allege that the plaintiff suffered any concrete, particularized, or actual or imminent injury. The court characterized the claims as wholly insubstantial and patently frivolous.

PROCEDURAL HISTORY

On December 9, 2025, Glenn Stephens filed the complaint and an application to proceed in forma pauperis. The application was granted, and the court screened the complaint under 28 U.S.C. § 1915(e)(2)(B). The magistrate judge recommended dismissal without prejudice for lack of subject matter jurisdiction and recommended

denying leave to amend as futile. The notice states that objections may be filed under Federal Rule of Civil Procedure 72.3.

DISPOSITION

other

CASES CITED

- *Tourscher v. McCollough*, 184 F.3d 236, 240 (3d Cir. 1999)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Spokeo, Inc. v. Robins*, 578 U.S. 330, 337-39, 136 S. Ct. 1540, 1547-48 (2016), as revised (May 24, 2016)
- *Raines v. Byrd*, 521 U.S. 811, 818, 117 S. Ct. 2312, 138 L. Ed. 2d 849 (1997)
- *Diamond Alternative Energy, LLC v. Environmental Protection Agency*, 606 U.S. 100, 111, 145 S. Ct. 2121, 2133 (2025)
- *1789 Found., Inc. v. Schmidt*, 781 F. Supp. 3d 282, 310 (M.D. Pa. 2025)
- *Germany v. Power 105.1 Radio*, 790 F. App'x 442, 443 (3d Cir. 2019)
- *Hagans v. Lavine*, 415 U.S. 528, 536-37, 94 S. Ct. 1372 (1974)
- *Clay v. Department of Defense*, No. CV 25-3726, 2025 WL 3282744, at *1 (D.D.C. Nov. 24, 2025)
- *James v. Trump*, No. CV 25-01789, 2025 WL 1726031, at *1 (D.D.C. June 20, 2025), *aff'd*, No. 25-5237, 2025 WL 3076752 (D.C. Cir. Nov. 3, 2025)
- *Montanez v. Price*, 154 F.4th 127, 153 (3d Cir. 2025)
- *Long v. Wilson*, 393 F.3d 390, 400 (3d Cir. 2004)
- *Phillips v. County of Allegheny*, 515 F.3d 224, 245 (3d Cir. 2008)
- *Garrett v. Wexford Health*, 938 F.3d 69, 92 (3d Cir. 2019)
- *Roman v. Jeffes*, 904 F.2d 192, 196 n.8 (3d Cir. 1990)
- *Mohn v. United States*, No. 23-1023, 2023 WL 4311609, at *2 (3d Cir. July 3, 2023)
- *N.J. Physicians, Inc. v. President of U.S.*, 653 F.3d 234, 241 n.8 (3d Cir. 2011)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA GLENN STEPHENS, CIVIL NO. 4:25-cv-02356 Plaintiff, v. (Magistrate Judge Latella) PRESIDENT DONALD TRUMP, Defendant. REPORT AND RECOMMENDATION On December 9, 2025, the Plaintiff, Glenn Stephens, filed an absurd pro se Complaint requesting this Court issue a writ of mandamus directing the President of the United States to conduct drone or missile attacks on the District Attorney of Lycoming County and a former Inspector General of the Department of Defense.

(Doc. 1). He filed an application to proceed in forma pauperis (IFP) along with the Complaint. (Doc. 3). The Motion to proceed without payment of fees was granted by Order of even date with

this Report and Recommendation.

Because this Court is without jurisdiction to entertain this matter, it will be recommended that it be dismissed on preliminary screening pursuant to 28 U.S.C. § 1915(e)(2)(B). 1 I. Background The Complaint, set forth in narrative form, begins with reference to Plaintiff's law school legal writing course and mention of his various professors. (Doc. 1-1, p.1).

Plaintiff then describes the President's foreign policy authority and discretion to act against narco-terrorists. (Id. at p. 2). A section titled "Applicable Law" contains a discussion of the Federal Torts Claims Act and writs of mandamus. (Id. at pp. 2-4). An "Analysis" follows where Plaintiff makes rambling and unsupported allegations against the District Attorney of Lycoming County and a former Inspector General of the Department of Defense.

The substance of the allegations, that these individuals are narco-terrorists and antisemitic, does not bear reiteration in detail. What bears mention is that the Complaint is completely devoid of any allegations that Plaintiff suffered any cognizable harm. He requests that the Court issue a writ of mandamus to the President directing drone and/or missile attacks on these individuals.

2 II. Discussion A. Screening Pursuant to 28 U.S.C. § 1915(e)(2)(B) Because Plaintiff is proceeding in forma pauperis, the Court is required to conduct a preliminary review of the Complaint. See 28 U.S.C. § 1915(e)(2)(B) (requiring sua sponte dismissal of actions which are "(i) frivolous or malicious; (ii) fail[] to state a claim upon which relief may be granted; or (iii) seek[] monetary relief against a defendant who is immune from such relief.").

In considering whether a complaint states a claim upon which relief can be granted, the Court employs the same standard applicable to motions to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), *Tourscher v. McCollough*, 184 F.3d 236, 240 (3d Cir. 1999), which requires the Court to determine whether the complaint contains "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Conclusory allegations do not suffice. Id. If the case fails to state a claim, the screening may result in dismissal. 3 B. Jurisdiction This Court is without jurisdiction to hear this fanciful matter for a number of reasons.

The Complaint should be dismissed, without prejudice, for want of subject matter jurisdiction.¹ First, this Plaintiff has no standing. Article III, section 2 of the Constitution specifies that "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and... to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State." U.S. Const. art. III, § 2. "And '[n]o principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies.'" *Spokeo, Inc. v. Robins*, 578 U.S. 330, 337, 136 S. Ct.

1540, 1547 (2016), as revised (May 24, 2016) 1 “[W]hen a district court dismisses claims for lack of subject matter jurisdiction, the dismissal should be without prejudice.” *Mohn v. United States*, No. 23-1023, 2023 WL 4311609, at *2 (3d Cir. July 3, 2023) (citing *N.J. Physicians, Inc. v. President of U.S.*, 653 F.3d 234, 241 n.8 (3d Cir. 2011)). 4 (quoting *Raines v. Byrd*, 521 U.S. 811, 818, 117 S.Ct.

2312, 138 L.Ed.2d 849 (1997)). “Standing to sue is a doctrine rooted in the traditional understanding of a case or controversy.” *Id.* at 338. The Supreme Court explained that the standing doctrine developed “to ensure that federal courts do not exceed their authority as it has been traditionally understood...

The doctrine limits the category of litigants empowered to maintain a lawsuit in federal court to seek redress for a legal wrong.” *Id.* Importantly, the High Court noted, “the law of Article III standing... serves to prevent the judicial process from being used to usurp the powers of the political branches ... and confines the federal courts to a properly judicial role.” *Id.* (cleaned up). “[T]he irreducible constitutional minimum of standing contains three elements: injury in fact, causation, and redressability...The first requirement, injury in fact, requires the plaintiff to demonstrate an injury that is concrete, particularized, and actual or imminent, not speculative.” *Diamond Alternative Energy, LLC v. Env’t Prot.*

Agency, 606 U.S. 100, 111, 145 S. Ct. 2121, 2133 (2025) (cleaned up). “For an injury to be particularized, it must affect the plaintiff in a personal and individual way...Particularization is necessary to establish injury in fact, but it is not sufficient. An injury in fact must also be concrete...A concrete injury must be de facto; that is, it must actually exist.” 1789 Found., Inc. v. Schmidt, 781 F. Supp. 3d 282, 310 (M.D.

Pa. 2025) (quoting *Spokeo*, 578 U.S. at 339, 136 S.Ct. 1540). Here, Plaintiff’s Complaint fails to allege “an injury that is concrete, particularized, and actual or imminent, not speculative.” *Diamond Alternative Energy, LLC*, 606 U.S. at 111. Indeed, no remediable injury to the Plaintiff is alleged or could be liberally construed from a reading of Plaintiff’s narrative.

Plaintiff has not alleged any set of facts that could confer standing in the matter. Because an actual case or controversy is not presented here, subject matter jurisdiction does not exist. In addition to a lack of standing, an actual case or controversy is not presented here under the substantiality doctrine because the claims in the Complaint are wholly insubstantial and patently frivolous.

Germany v. Power 105.1 Radio, 790 F. App’x 442, 443 (3d Cir. 2019) (“A federal court may sua sponte dismiss a complaint for lack of subject matter jurisdiction pursuant to Fed. R. of Civ. P. 12(b)(1) when the 6 allegations within the complaint ‘are so attenuated and unsubstantial as to be absolutely devoid of merit.’” (quoting *Hagans v. Lavine*, 415 U.S. 528, 536–37, 94 S.Ct.

1372, (1974))). See also *Clay v. Department of Defense*, No. CV 25-3726, 2025 WL 3282744, at *1 (D.D.C. Nov. 24, 2025) (dismissing pro se complaint in screening for lack of jurisdiction based on sustainability doctrine); *James v. Trump*, No. CV 25-01789, 2025 WL 1726031, at *1 (D.D.C. June 20, 2025), *aff'd*, No. 25-5237, 2025 WL 3076752 (D.C. Cir. Nov. 3, 2025) (same).

III. Leave to Amend The Third Circuit has voiced a strong preference for allowing the filing of an amended complaint in cases where the original complaint is subject to dismissal. In *Montanez v. Price*, 154 F.4th 127, 153 (3d Cir. 2025), the Court instructed: Federal Rule of Civil Procedure 15(a)(2) directs courts to grant motions for leave to amend “when justice so requires.” So leave to amend should be liberally given unless amendment would be inequitable or futile.

Long v. Wilson, 393 F.3d 390, 400 (3d Cir. 2004); *Phillips*, 515 F.3d at 245. And because courts have a special obligation to be “more forgiving of pro se litigants,” *Garrett v. Wexford Health*, 938 F.3d 69, 92 (3d Cir. 2019), this Circuit has a “longstanding policy of allowing pro se plaintiffs to amend their complaints before the court rules upon defendants’ motions to dismiss,” *Roman v. Jeffes*, 904 F.2d 192, 196 n.8 (3d Cir.

1990) (collecting cases). Leave to amend in this case would undoubtedly be futile. There are no set of facts that could potentially support Plaintiff’s request for an order directing the President of the United States to order a drone or missile attack on the individuals named in the Complaint, or of anyone else.

Accordingly, leave to amend should not be granted. IV. Recommendation For the foregoing reasons, it is respectfully recommended that this case be dismissed, without prejudice, for want of subject matter jurisdiction. Dated: December 30, 2025 /s/ Leo A. Latella Leo A. Latella United States Magistrate Judge 8 UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA GLENN STEPHENS, CIVIL NO. 4:25-cv-02356 Plaintiff, v. (Magistrate Judge Latella) PRESIDENT DONALD TRUMP, Defendant.

NOTICE NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing Report and Recommendation dated December 30, 2025. Any party may obtain a review of the Report and Recommendation pursuant to Rule 72.3, which provides: Any party may object to a magistrate judge’s proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636(b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof.

Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections.

The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to

which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record.

The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions. Dated: December 30, 2025 /s/ Leo A. Latella LEO A. LATELLA United States Magistrate Judge 10