

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Wooten v. Trump

No. 2:25-cv-0873 DC AC (PS) · No. No. 2:25-cv-0873 DC AC (PS) · Decided April 23, 2025

OPINION

(PS) Wooten v. Trump

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 ROBERT WOOTEN, No. 2:25-cv-0873 DC AC (PS)

11 Plaintiff,

12 v. FINDINGS AND RECOMMENDATIONS

13 DONALD J. TRUMP,

14 Defendant. 15

16 On March 17, 2025, plaintiff filed this action in pro se and paid the filing fee. ECF No. 1. 17
The case was referred to the undersigned pursuant to Local Rule 302(c)(21). The complaint 18
contains a request for a temporary restraining order and preliminary injunction, which was 19
referred to the undersigned by the District Judge for preparation of findings and 20
recommendations. ECF No. 6. On April 1, 2025, plaintiff filed a First Amended Complaint, 21
again containing a request for a temporary restraining order. ECF No. 8. The undersigned 22
reviewed the First Amended Complaint (“FAC”) and, believing that this court lacks subject 23
matter jurisdiction to hear plaintiff’s case and that this case must be dismissed, issued an order to
24 show cause requiring plaintiff to identify the basis for subject matter jurisdiction. ECF No. 9.
25 Plaintiff timely responded. ECF No. 12. The undersigned has reviewed plaintiff’s response and
26 concludes that the court does not have subject matter jurisdiction, and this case must be 27
dismissed. 28 //// 1 I. The Operative First Amended Complaint 2 Plaintiff asserts that this case is a
Petition for Redress authorized by the last clause of the 3 First Amendment of the United States
Constitution. ECF No. 8 at 4. Plaintiff alleges that federal 4 employees have been improperly
fired, and government benefits are threatened by President 5 Trump’s executive orders. Id. at 4.
Plaintiff contends that Trump’s actions violate the 6 constitution and infringe on the separation of
powers. Id. at 11. Plaintiff alleges that Trump 7 improperly created the Department of Government
Efficiency and appointed Musk, a private 8 citizen, to fire thousands of people without cause. Id.
at 5. Plaintiff alleges Trump is violating 9 the separation of powers. Id. at 6. 10 II. Jurisdictional

Problems 11 A. Overview 12 “Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377, (1994). In 28 U.S.C. §§ 1331 and 1332(a), “Congress granted federal 14 courts jurisdiction over two general types of cases: cases that “aris[e] under” federal law, § 1331, 15 and cases in which the amount in controversy exceeds \$ 75,000 and there is diversity of 16 citizenship among the parties, § 1332(a). These jurisdictional grants are known as “federal- 17 question jurisdiction” and “diversity jurisdiction,” respectively. *Home Depot U. S. A., Inc. v. 18 Jackson*, 139 S. Ct. 1743, 1746 (2019), reh’g denied, No. 17-1471, 2019 WL 3538074 (U.S. Aug. 19 5, 2019). “Subject-matter jurisdiction, because it involves a court’s power to hear a case, can 20 never be forfeited or waived.” *Rainero v. Archon Corp.*, 844 F.3d 832, 841 (9th Cir. 2016). 21 Court must dismiss any case over which it lacks subject-matter jurisdiction, and a court must 22 examine whether subject-matter jurisdiction exists, whether or not a motion to dismiss for lack of 23 subject-matter jurisdiction has been brought. Fed. R. Civ. P. 12(h)(3); *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (noting that courts “have an independent obligation to determine 25 whether subject-matter jurisdiction exists). 26 Sometimes, even where there would be federal question or diversity jurisdiction, other 27 legal doctrines deprive the court of subject matter jurisdiction. Here, there are two jurisdictional 28 concerns that the court will address: (1) standing, and (2) the political question doctrine. 1 *Chandler v. State Farm Mut. Auto. Ins. Co.*, 598 F.3d 1115, 1121–22 (9th Cir. 2010) (addressing 2 standing); *Corrie v. Caterpillar, Inc.*, 503 F.3d 974, 982 (9th Cir. 2007) (addressing the political 3 question doctrine). 4 B. Plaintiff Lacks Standing 5 To bring a lawsuit, a plaintiff must have “standing,” meaning they must have a personal 6 injury that gives them a right to bring the lawsuit. This is required by Article III of the U.S. 7 Constitution. To establish Article III standing, a plaintiff must show: (1) “an injury in fact—an 8 invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or 9 imminent, not conjectural or hypothetical”; (2) “a causal connection between the injury and the 10 conduct complained of—the injury has to be fairly ... traceable to the challenged action of the 11 defendant, and not ... the result of the independent action of some third party not before the 12 court”; and (3) “it must be likely, as opposed to merely speculative, that the injury will be 13 redressed by a favorable decision.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992) 14 (omissions in original) (internal quotation marks and citations omitted). 15 Plaintiff does not identify any basis for standing in the First Amended Complaint. 16 However, the court notes that in the original complaint, plaintiff alleged he is a social security 17 beneficiary and sought to “protect the investment, through contributions, he has made in Social 18 Security over the years.” ECF No. 1 at 3. Plaintiff also raised concerns about President Trump’s 19 education policies and notes that he has grandchildren and great grandchildren who are “in dire 20 need of educational assistance which closing the Department of education will adversely affect to 21 the point they may not be able to continue in school.” *Id.* at 4. 22 The First Amended Complaint lacks any information that could possibly go to standing, 23 and for that reason the court does not have jurisdiction to hear this case. Even the original 24

complaint, in which plaintiff indicates that he is concerned about the future of his social security income and the potential impact that political policy choices will have on his family and on his own finances, does not satisfy the standing requirement. Plaintiff's concern that he will be personally harmed does not confer standing because the harm has not already happened. At this time, the alleged harms remain speculative. Further, even if the court assumes that plaintiff has a generalized interest in constitutional governance and ensuring that the President is fit for office, that interest is insufficient to demonstrate standing. See *Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 217 (1974) (a litigant's interest cannot be based on the "generalized interest of all citizens in constitutional governance."); *United States v. Richardson*, 418 U.S. 166, 173–78 (1974) (explaining that a taxpayer's generalized grievance is insufficient for standing); *Drake v. Obama*, 664 F.3d 774, 779–84 (9th Cir. 2011) (rejecting claims that multiple categories of plaintiffs had standing to challenge the President's eligibility for office). Accordingly, the court believes that the First Amended Complaint should be dismissed because it does not allege facts sufficient to demonstrate standing.

C. The Political Question Doctrine Bars this Case

The political question doctrine is "essentially a function of the separation of powers," *Baker v. Carr*, 369 U.S. 186, 217 (1962), and it "excludes from judicial review those controversies which revolve around policy choices and value determinations constitutionally committed for resolution to the halls of Congress or the confines of the Executive Branch," *Japan Whaling Ass'n v. Am. Cetacean Soc'y*, 478 U.S. 221, 230 (1986). The rule that some governmental actions are beyond the reach of the courts reflects the Constitution's limitation of the "judicial power of the United States" to "cases" or "controversies." U.S. Const. art. III, § 2. "[N]o justiciable controversy is presented when parties seek adjudication of only a political question." *Flast v. Cohen*, 392 U.S. 83, 95 (1968). Article II, Section 4 of the United States Constitution provides that "[t]he President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors" U.S. Const. art. II, § 4. The United States Supreme Court has held that the Constitution deliberately gave the power of impeachment to Congress, not the Judiciary. *Nixon v. United States*, 506 U.S. 224, 229, 233–35 (1993). To the extent plaintiff seeks by this lawsuit to remove President Trump from office or preemptively stop him from issuing any further executive orders to carry out his policy objectives, the court simply has no power to do so. The question of whether the President is fit for office and subject to removal is a political question categorically excluded from judicial review. Because resolution of this question rests exclusively with Congress, this Court lacks jurisdiction to consider the issue. Accordingly, the First Amended Complaint appears to be subject to dismissal because the claims are barred by the political question doctrine.

III. Plaintiff's Response to the Order to Show Cause

Plaintiff contends that the phrase "subject matter jurisdiction" is not found in the Constitution and, accordingly, "is simply not in the Supreme Law of the Land, and cannot be added by judicial decree." ECF No. 12 at 2. Plaintiff contends that standing and subject matter

jurisdiction are “unenforceable myths of the court[,]” whereas the right to petition the government
10 for a redress of grievances is expressly written in the Constitution. Id. at 4. Plaintiff’s
arguments 11 are legally incorrect; subject matter jurisdiction is not a creation of the judiciary.
The concept of 12 subject matter jurisdiction derives from Article III, Section 2 of the Constitution
and was codified 13 by Congress as discussed above. This court is bound by the holdings of the
Supreme Court and 14 Ninth Circuit Court of Appeals, cited above, that describe the standing
requirement and scope of 15 subject matter jurisdiction. Plaintiff has not presented any
information indicating that this court 16 has the power to hear his case. Accordingly, the
undersigned recommends dismissal. 17 IV. Conclusion 18 The undersigned recommends that this
case be dismissed for lack of subject matter 19 jurisdiction. 20 These findings and
recommendations are submitted to the United States District Judge 21 assigned to the case,
pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days 22 after being served
with these findings and recommendations, plaintiff may file written objections 23 with the court
and serve a copy on all parties. Id.; see also Local Rule 304(b). Such a document 24 should be
captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure 25 to file
objections within the specified time may waive the right to appeal the District Court’s 26 27 1 The
political question doctrine does not pose a categorical bar to all lawsuits challenging specific
executive actions. Such suits, however, must be brought by persons who have standing 28 to
challenge the particular exercise of asserted executive branch authority at issue. 1 | order. Turner v.
Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 2 | 1156-57 (9th Cir.
1991). ~ 3 | DATED: April 22, 2025 Z 2 A

4 ALLISON CLAIRE

5 UNITED STATES MAGISTRATE JUDGE

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