

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Gallardo v. Trump

Gallardo v. Trump · No. Civil Action No. 1:25-cv-02886 (UNA) · Decided December 9, 2025

SUMMARY

The United States District Court for the District of Columbia granted in forma pauperis status only to Plaintiff Garry David Gallardo and dismissed the action without prejudice. The court held that Gallardo could not represent other plaintiffs or maintain a pro se class action, and that the complaint's jurisdictional theory was frivolous. The court also denied the motion to appoint counsel and certify a class.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Ana C. Reyes
JURISDICTION	United States District Court for the District of Columbia
DECIDED	December 9, 2025
DOCKET	Civil Action No. 1:25-cv-02886 (UNA)
DISPOSITION	dismissed
PROCEDURAL POSTURE	On initial review of a pro se complaint and an application to proceed in forma pauperis, the district court granted the application only as to Garry David Gallardo, denied it as to the other intended plaintiffs, denied the motion to appoint counsel and certify a class, and dismissed the action without prejudice.
STANDARD OF REVIEW	Initial review of a prisoner complaint and application to proceed in forma pauperis under 28 U.S.C. § 1915.
PRECEDENTIAL VALUE	published
PARTIES	Garry David Gallardo, et al. v. Donald J. Trump, et al.

TOPICS

- class actions
- subject matter jurisdiction
- civil procedure
- constitutional law
- pleadings

PRACTICE AREAS

- civil procedure
- constitutional law
- prisoner litigation

QUESTIONS PRESENTED

1. Whether plaintiffs seeking to proceed in forma pauperis must each submit an individualized, sworn application and, for prisoner-plaintiffs, the required certified six-month trust-account report.
2. Whether a pro se litigant may represent other persons or maintain a class action in federal court.
3. Whether Gallardo's assertion that Article III does not vest federal courts with jurisdiction over criminal cases was frivolous and required dismissal.

HOLDINGS

1. Each plaintiff seeking to proceed in forma pauperis must submit an individualized application, including a sworn affidavit concerning that plaintiff's financial circumstances; prisoner-plaintiffs must also satisfy the Prison Litigation Reform Act's additional requirements. Because only Gallardo submitted the required materials, only Gallardo could proceed in forma pauperis.
2. A pro se litigant may represent only himself or herself and may not appear as counsel for other persons or maintain claims on their behalf.
3. A complaint asserting that Article III does not vest federal courts with jurisdiction to adjudicate criminal cases is frivolous when contrary to established authority and lacking an arguable basis in law or fact.

KEY QUOTATIONS

“A pro se litigant can represent only himself in federal court.”

“The Court cannot exercise subject matter jurisdiction over a frivolous complaint.”

FACTUAL BACKGROUND

Garry David Gallardo, a federal prisoner designated to FCI Hazelton, filed a complaint purporting to proceed as a class action on behalf of approximately 91 fellow inmates and additional unnamed plaintiffs. Gallardo was the only plaintiff who submitted and executed an in forma pauperis application and filed a six-month trust-account report. His individual claims asserted that Article III does not vest federal courts with jurisdiction to adjudicate criminal cases.

PROCEDURAL HISTORY

Gallardo, a federal prisoner, filed a complaint purporting to assert claims on behalf of approximately 91 other inmates and additional unnamed plaintiffs. Only Gallardo filed an individualized in forma pauperis application and a six-month trust-account report. The district court conducted its initial review, concluded that the other plaintiffs had not supplied the information required to proceed in forma pauperis, held that Gallardo could not represent other persons as a pro se litigant, found his individual jurisdictional theory frivolous, and dismissed without prejudice.

DISPOSITION

dismissed

CASES CITED

- Chandler v. D.C. Dep't of Corr., 145 F.3d 1355, 1356 (D.C. Cir. 1998)
- Asemani v. U.S. Citizenship & Immig. Srvs., 797 F.3d 1069, 1072 (D.C. Cir. 2015)
- Georgiades v. Martin-Trigona, 729 F.2d 831, 834 (D.C. Cir. 1984)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Hagans v. Lavine, 415 U.S. 528, 536–37 (1974)

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