

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

McNeil v. United States

12 F. App'x 805 (10th Cir. 2001) · Decided May 2, 2001

SUMMARY

The Tenth Circuit affirmed the dismissal of Jerry P. McNeil’s complaint seeking to prevent former President Bill Clinton from receiving post-incumbency benefits. The court agreed that McNeil failed to identify legal authority supporting the requested injunction and lacked standing because he could not show a concrete and particularized injury or qualify for taxpayer standing. The court also rejected McNeil’s argument that he was entitled to default judgment because the defendants had filed a pre-answer motion to dismiss.

CASE DETAILS

COURT	United States Court of Appeals for the Tenth Circuit
WRITING FOR THE COURT	Murphy
JURISDICTION	Federal
DECIDED	May 2, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pro se appeal from the dismissal with prejudice of a complaint seeking an injunction against payment of former President Clinton's post-incumbency benefits.
STANDARD OF REVIEW	De novo review applies to dismissal under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim and to standing, which is a question of law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jerry P. McNeil v. United States of America, William Jefferson Clinton

TOPICS

- standing
- motions to dismiss
- default judgment
- appellate procedure
- standard of review

PRACTICE AREAS

- civil procedure
- constitutional law
- federal courts

QUESTIONS PRESENTED

1. Whether the complaint stated a claim for injunctive relief against payment of former President Clinton's post-incumbency benefits.
2. Whether McNeil had standing to challenge payment of those benefits, including under the taxpayer-standing exception.
3. Whether McNeil was entitled to default judgment because the defendants filed a pre-answer motion to dismiss rather than an answer.

HOLDINGS

1. The complaint failed to state a claim because McNeil identified no federal statute or other authority supporting his claim against the defendants or authorizing the requested injunction.
2. McNeil lacked standing because he could not demonstrate a concrete and particularized actual or imminent injury, and he did not qualify for the limited taxpayer-standing exception because he could not show a nexus between the challenged congressional appropriations and an infringement of his constitutional rights.
3. Default judgment was not appropriate because a pre-answer motion to dismiss is an appropriate defense under Rule 55, and an answer is not due until the court resolves the motion unless the court postpones disposition until trial.

KEY QUOTATIONS

"This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata and collateral estoppel." (at 807)

"Rule 55 clearly provides, however, that default judgment is only appropriate when "a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules.""
(at 807)

FACTUAL BACKGROUND

McNeil sought an injunction that would deny former President Clinton post-incumbency benefits allegedly authorized by federal law. He based the requested relief on allegations that Clinton had engaged in unlawful, unconstitutional, and unconscionable conduct while President. McNeil did not identify a federal statute or other authority authorizing his requested relief and could not show a concrete, particularized, actual, or imminent injury or the required nexus for taxpayer standing.

PROCEDURAL HISTORY

McNeil filed a complaint in the United States District Court for the Northern District of Oklahoma against William Jefferson Clinton and the United States. The district court granted the government's motion to dismiss for failure to state a claim and lack of standing, and later denied reconsideration. The Tenth Circuit reviewed the dismissal de novo and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Sac & Fox Nation v. Pierce*, 213 F.3d 566, 573 (10th Cir. 2000)
- *Chrisman v. C.I.R.*, 82 F.3d 371, 373 n.1 (10th Cir. 1996)
- *Chemical Weapons Working Group, Inc. v. United States Dep't of the Army*, 111 F.3d 1485, 1490 (10th Cir. 1997)
- *Brooks v. Saucedo*, No. 00-3025, 2000 WL 1730892, at *2, 242 F.3d 387 (10th Cir. Nov. 22, 2000)