UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ANTOLIN ANDREW MARKS, Plaintiff, v. UNITED STATES CONGRESS INDIVIDUAL MEMBERS 1-435, *et al.*, Defendants.	)	Civil Action No. 08 0175

MEMORANDUM OPINION

This matter is before the Court upon plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application to proceed *in forma pauperis* and will dismiss the complaint.

Generally, plaintiff alleges that, although Congress may establish uniform rules pertaining to naturalization of citizens, it has exceeded this authority by enacting legislation authorizing the removal of persons from the United States. He appears to bring this action against the United States Congress and the individual members of House of Representatives and the Senate. He demands relief in the form of a "declaration that Congress may not enact legislation dealing with removal of immigrants, removal of persons found in the United States who are not immigrants, removal of persons who are citizens, without constitutional authority for such enactment." Compl. at 43-44. In addition, plaintiff demands "an injunction which says, in principle, that actions of Congress throughout the period from 1875 to the present has [sic] been illegal in that the laws enacted by Congress has [sic] been in violation of the Tenth Amendment which prohibits Congress from such actions." *Id.* at 44.

The Court will dismiss this action without prejudice for lack of subject matter jurisdiction. Absent allegations of a "personal injury fairly traceable to the defendant[s'] allegedly unlawful conduct and likely to be redressed by the requested relief," *Allen v. Wright*, 468 U.S. 737, 751 (1984), there does not appear to be a case or controversy for this Court's consideration. An Order consistent with this Memorandum Opinion will be issued on this same date.

DATE: January 23, 2008

United States District Judge