

MAY 21 2014

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

CHARLES LEE GILLENWATER, II.

Plaintiff,

Y.

PRESIDENT OBAMA.

Defendant.

Civil Action No. 14-460 (UNA)

This matter is before the Court on consideration of plaintiff's application to proceed *in forma pauperis*, his *pro se* complaint, and petition for an emergency writ of mandamus. The application will be granted, the complaint will be dismissed, and the petition will be denied as moot.

The plaintiff brings this action under *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), against the President of the United States “for signing into law the unconstitutional provisions within the ‘Affordable Care Act.’” Compl. at 4 (page numbers designated by the Court). He demands damages of \$100,000,000.00. *Id.* The plaintiff’s claim must fail because the President of the United States is absolutely immune from suit.

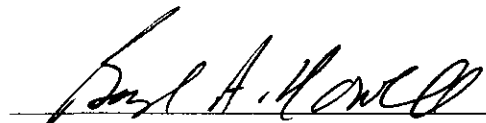
“It is well established that federal, state, and regional legislators are entitled to absolute immunity from civil liability for their legislative activities.” *Bogan v. Scott-Harris*, 523 U.S. 44, 46 (1998). Legislative activities include the signing by the President of the United States of a bill passed by the Congress. *Edwards v. United States*, 286 U.S. 482, 491(1932); see *Nixon v.*

Fitzgerald, 457 U.S. 731, 749-757 (1982). The plaintiff therefore cannot maintain this action against the President of the United States simply because he signed the Affordable Care Act into law.¹

For these reasons, the Court will dismiss this action with prejudice. *See* 28 U.S.C. §§ 1915(e)(1)(B)(iii), 1915A(b)(2). An Order is issued separately.

DATE:

5/8/2014


United States District Judge

¹ Furthermore, insofar as the plaintiff “challenge[s] the individual insurance mandate in the Affordable Care Act,” the claim “is foreclosed by the decision of the Supreme Court of the United States in *Nat’l Fed’n of Indep. Bus. v. Sebelius*, ___ U.S. ___, 132 S. Ct. 2566 (2012).” *Littlejohn v. Obama*, No. 6:13-cv-03154, 2013 WL 6850231, at *4 (D.S.C. Dec. 30, 2013) (internal quotation marks omitted) (Magistrate Report and Recommendation).