

**FILED**

**JUL 24 2015**

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

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ANDRE JUSTE,

Plaintiff,

v.

UNITED STATES, *et al.*,

Defendants.

Case: 1:15-cv-01212

Assigned To : Unassigned

Assign. Date : 7/24/2015

Description: Pro Se Gen. Civil (F Deck)

**MEMORANDUM OPINION**

This matter is before the Court on the plaintiff’s application to proceed *in forma pauperis* and his *pro se* complaint. The application will be granted and the complaint will be dismissed for lack of subject matter jurisdiction.

The plaintiff requests an order declaring him a United States citizen. He relies on 8 U.S.C. § 1447(b), which provides that an applicant for naturalization who has not been notified of a decision on his application within 120 days of his examination under oath “may apply to the United States district court for the district in which the applicant resides for a hearing on the matter.” *Id.* It does not appear that the plaintiff has been examined, however, and under these circumstances he fails to state a claim upon which relief can be granted. *See Juste v. U.S. Attorney General Office*, No. 2:15-cv-00167, 2015 WL 2455446, at \*2 (W.D. Pa. May 22, 2015). The “[p]laintiff must allege that the initial examination has taken place, and he has not done that.” *Id.* For these reasons, the complaint will be dismissed without prejudice. An Order is issued separately.

DATE: 7/22/2015

  
United States District Judge

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