

ANTHONY BRIAN MALLGREN,

Plaintiff,

v.

ATTORNEY GENERAL OF THE
UNITED STATES OF AMERICA *et al.*,

Defendants.

MEMORANDUM OPINION

Pending before the Court is Defendants’ Motion to Dismiss under Rules 12(b)(1), 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, ECF No. 8. Plaintiff has sued the Attorney General of the United States of America and Chief Justice John G. Roberts Jr., as the official “responsible for articulating and implementing court rules for the United States of America Supreme Court.” Compl. ¶ 4. The complaint stems from the Clerk of the Supreme Court’s return of “five filings submitted by Plaintiff because they did not comply with Court Rules.” Defs.’ Mem. of P. & A. at 2. Plaintiff alleges that he “has been classified as disabled by means of mental impairment,” Compl. ¶ 6, and he seeks, among other relief, “accommodations through updates to the rules of the United States of America Supreme Court,” *id.* ¶ 14.

Defendants seek dismissal on the grounds of sovereign immunity, lack of personal jurisdiction, and failure to state a claim upon which relief can be granted. Plaintiff has not complied with the Court's November 30, 2016 Order by responding to the instant motion by January 10, 2017, nor has he requested additional time to respond. Consistent with the

advisements in the order, the Court finds that plaintiff has conceded defendants' arguments for dismissal. The Court is most persuaded by the argument that Plaintiff has not stated a plausible claim upon which relief can be granted. *See* Mem. of P. & A. at 6-8; *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) ("To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'") (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Consequently, this case will be dismissed under Rule 12(b)(6). A separate order accompanies this Memorandum Opinion.

_____/s/_____
RUDOLPH CONTRERAS
United States District Judge

Date: February 22, 2017