

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 12 2020

Clerk, U.S. District and
Bankruptcy Courts

Page David Penk,

Plaintiff,

v.

Donald John Trump,

Defendant.

Civil Action No. 19-3857 (UNA)

MEMORANDUM OPINION

This matter, brought *pro se*, is before the Court on its initial review of plaintiff's application for leave to proceed *in forma pauperis* and his "Emergency Complaint Challenging Constitutionality of the International Federal Death Penalty Statute-the War Powers Act of 1973, 50 U.S.C. 1541-1548, facially and as applied," ECF No. 1. The Court will grant the application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring the court to dismiss an action "at any time" it determines that subject matter jurisdiction is wanting).

"Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute," and it is "presumed that a cause lies outside this limited jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). The War Powers Act does not authorize a private cause of action. *Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 209 (D.C. Cir. 1985); *see id.* (explaining that the Act does not "identify any special class to be benefited, but rather, for the protection of the general public, divide[s] responsibility between the executive and legislative branches of government . . . in order to secure sound and efficient conduct of military and foreign affairs") (internal quotation marks and

citations omitted)). Plaintiff's complaint, to the extent intelligible, is at most "a generalized grievance," which "normally does not warrant exercise of jurisdiction." *Warth v. Seldin*, 422 U.S. 490, 499 (1975). Therefore, this case will be dismissed. A separate Order accompanies this Memorandum Opinion.

Date: February 10, 2020


United States District Judge