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Clerk, U.S. District and
Bankruptcy Courts

Civil Action No. 19-3859 (UNA)

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within the court's jurisdiction. *See* Fed. R. Civ. P. 8(a). Failure to plead such facts warrants dismissal of the action.

Plaintiff, a Tennessee state prisoner, sues the United States under 42 U.S.C. § 1983. Section 1983 authorizes a cause of action against individuals who violate constitutional rights while acting "under color of state law"; it "does not apply to federal officials acting under color of federal law." *Settles v. U.S. Parole Comm'n*, 429 F.3d 1098, 1104 (D.C. Cir. 2005). Most importantly, Congress has not waived the United States' immunity from lawsuits based on constitutional violations. *Fed. Deposit Ins. Corp. v. Meyer*, 510 U.S. 471, 478 (1994). And "[i]f the United States has not consented to being sued under § 1983, sovereign immunity requires the court to dismiss [this action] for lack of jurisdiction."¹ *Settles*, 429 F.3d at 1105. A separate Order accompanies this Memorandum Opinion.

Date: February 10, 2020


United States District Judge

¹ In his "Prayer for Relief," plaintiff does not seek money damages but rather "a declaration of rights" and "a mandatory injunction ordering President [Donald J. Trump] to proclaim M. Aden King of Earth and Executively immune from U.S. jurisdiction & states." Compl. at 2. This is yet another reason to dismiss the case. *See Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974) ("[F]ederal courts are without power to entertain claims otherwise within their jurisdiction if they are so attenuated and unsubstantial as to be absolutely devoid of merit, wholly insubstantial, [or] obviously frivolous[.]") (internal quotations omitted).