

Civil Action No. 20-3072 (UNA)

even though their conduct, if performed in other than legislative contexts, would in itself be unconstitutional or otherwise contrary to criminal or civil statutes”) (cleaned up); *cf.* Pet. ¶ 7 (alleging that McConnell “has shown a pattern of practice to violate the U.S. Constitution, his oath of office and ethical norms to cause plaintiff Dale B. Adams irreparable harm by passing laws that abridge First Amendment rights”); *id.* ¶ 16 (“Defendant United States Senator Mitch A. McConnell Jr., has held our devastated economy, the destitute citizens and other honorable members of Congress hostage who try to abide by their oath of office serving their constituents, while Senator McConnell will not agree to pass any Covid-19 relief Bill into law without including a clause for liability reform (“immunity”)); *id.* ¶ 26 (“undue delay for passing Covid-19 emergency relief by U.S. Senator Mitch A. McConnell Jr., is causing Adams and millions of other citizens a financial hardship”).

An “*in forma pauperis* complaint is properly dismissed as frivolous . . . if [as here] it is clear from the face of the pleading that the named defendant is absolutely immune from suit on the claims asserted.” *Crisafi v. Holland* 655 F.2d 1305, 1308 (D.C. Cir. 1981). To the extent that McConnell is not immune, the Petition is at most “a generalized grievance” warranting no “exercise of jurisdiction.” *Warth v. Seldin*, 422 U.S. 490, 499 (1975). Consequently, this case will be dismissed with prejudice. *See Firestone v. Firestone*, 76 F.3d 1205, 1209 (D.C. Cir. 1996) (A dismissal with prejudice is warranted upon determining “that ‘the allegation of other facts consistent with the challenged pleading could not possibly cure the deficiency.’”) (quoting *Jarrell v. United States Postal Serv.*, 753 F.2d 1088, 1091 (D.C. Cir. 1985) (other citation omitted)). A separate order accompanies this Memorandum Opinion.

Date: November 16, 2020

/s/
KETANJI BROWN JACKSON
United States District Judge