

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ALLEN J. EPSTEIN,

Plaintiff,

v.

Case No: 6:19-cv-64-Orl-41GJK

DONALD J. TRUMP,

Defendant.

ORDER

THIS CAUSE is before the Court on Plaintiff’s Motion for Default Judgment (“Motion,” Doc. 8). Magistrate Judge Gregory J. Kelly issued a Report and Recommendation (Doc. 9), recommending that the Motion be denied. Judge Kelly further recommends that the Complaint (Doc. 1) be dismissed with prejudice because the Court lacks jurisdiction over the case. (Doc. 9 at 3–4). Specifically, Judge Kelly concluded that Plaintiff lacks standing to pursue his cause of action because he only alleges generalized grievances in the Complaint as opposed to a concrete and particularized injury in fact. (*Id.*).

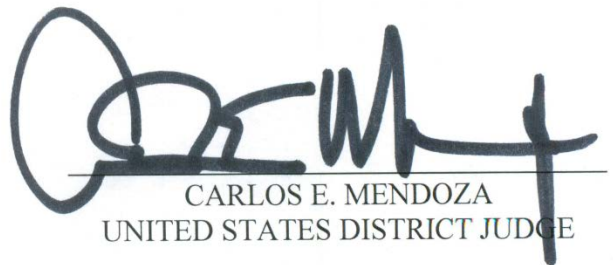
Plaintiff filed an Objection to the Report and Recommendation (Doc. 12). Therein, Plaintiff claims he was harmed by: (1) the implementation of tariffs; (2) the price of gas; (3) Defendant’s alleged appointment of three members from Mar-a-Lago as unofficial directors of the Veterans Administration; (4) General Flynn’s and Jared Kushner’s alleged back channel communications with foreign governments; and (5) unnamed diversions of government funds. Even if true, Plaintiff has not asserted a particularized injury in fact. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 573–74 (1992) (“We have consistently held that a plaintiff raising only a generally available grievance

about government . . . does not state an Article III case or controversy.”). Therefore, Plaintiff lacks standing to bring his claim, and consequently, the Court lacks jurisdiction to hear it.

After a *de novo* review, the Court agrees with the analysis set forth in the Report and Recommendation. Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 9) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff’s Motion for Default Judgment (Doc. 8) is **DENIED**.
3. The Complaint (Doc. 1) is **DISMISSED with prejudice**.
4. The Clerk is directed to close this case.

DONE and **ORDERED** in Orlando, Florida on May 13, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party