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APPENDIX A

**UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit**

No. 24-5132

September Term, 2024

1:24-cv-00478-RDM

Filed On: September 4, 2024

Joe Alter,

Appellant

v.

Donald J. Trump,

Appellee

**ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

BEFORE: Katsas, Pan, and Garcia, Circuit
Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. *See* Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing and the motion to expedite, it is

ORDERED AND ADJUDGED that the district court's dismissal of this case be affirmed. Appellant lacks standing to challenge Donald Trump's eligibility to hold future office. *See Lance v. Coffman*, 549 U.S. 437, 439-42 (2007) (per curiam); *Laity v. Harris*, No. 20-7109, 2021 WL 2350003, at *1 (D.C. Cir. Feb. 5, 2021) (per curiam) (holding that plaintiff did "not possess standing to challenge Vice President Harris's eligibility to hold office"). It is

FURTHER ORDERED that the motion to expedite be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

APPENDIX B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOE ALTER,
Plaintiff,

v. Civil Action No. 24-478 (RDM)

DONALD J. TRUMP,
Defendant.

JOE ALTER,
Plaintiff,

v. Civil Action No. 24-512 (RDM)

DONALD J. TRUMP,
Defendant.

MEMORANDUM OPINION

Plaintiff Joe Alter filed the first of these *pro se* actions against former President Donald J. Trump on February 16, 2024. *See Alter v. Trump*, Civ. No. 24-478, Dkt. 1 at 1 (Compl.). Several days later, he filed the second action, which asserts the same claims. *See Alter v. Trump*, Civ. No. 24-512, Dkt. 1 (Compl.). Given this overlap, the Court will address both cases in a single opinion.

Plaintiff's complaints do not enumerate counts, but instead present several "legal questions," namely: (1) "Should the question of whether an insurrection has occurred be resolved in the Federal Court system, and ultimately the Supreme Court?"; (2) "Were events on January 6, an attempted insurrection?"; and (3) "Did Donald Trump engage in or at least encourage and aid such acts?" *Alter v. Trump*, Civ. No. 24-478, Dkt. 1 at 5 (Compl. ¶¶ 14–16); *Alter v. Trump*, Civ. No. 24-512, Dkt. 1 at 5 (Compl. ¶¶ 14–16). The complaints ask the Court to declare: (1) that January 6, 2021 constituted an attempted insurrection; (2) that Donald Trump gave "aid and support to" that attempted insurrection; (3) that "Donald Trump may never again hold any office in and under the United States of America;" and (4) that "under the disqualification of 14sec3, Donald Trump is no longer protected from liability under the 1st Amendment's immunities regarding political speech, and may be held accountable for lies he tells in furtherance of his ambitions to re-attain such an office." *Alter v. Trump*, Civ. No. 24-512, Dkt. 1 at 8 (Compl. ¶¶ 26–29); *Alter v. Trump*, Civ. No. 24-478, Dkt. 1 at 7-8 (Compl. ¶¶ 26–29).

The D.C. Circuit has recognized that a district court may *sua sponte* dismiss a complaint under Rule 12(b)(6) where "it is patently obvious" that the plaintiff cannot "prevail[] on the facts alleged in his complaint." *Baker v. Director, U.S. Parole Comm'n*, 916 F.2d 725, 727 (D.C. Cir. 1990). That rule applies, moreover, "[e]ven under a liberal *pro se* standard." *Strunk v. Obama*, 880 F. Supp. 2d 1, 3 (D.D.C. 2011); *see also Perry v. Discover Bank*, 514 F. Supp. 2d 94, 95 (D.D.C.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk