

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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CINCINNATI, OHIO 45202-3988

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Filed: February 07, 2022

Mr. Billy Ray Wilson
209 Autumn Drive
London, KY 40744-7071

Re: Case No. 21-5809, *Billy Wilson v. Joseph Biden, et al*
Originating Case No. : 6:21-cv-00082

Dear Mr. Wilson,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Leon T. Korotko
Case Manager
Direct Dial No. 513-564-7069

cc: Mr. Robert R. Carr

Enclosure

Mandate to issue

NOT RECOMMENDED FOR PUBLICATION

No. 21-5809

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BILLY RAY WILSON,)
)
 Plaintiff-Appellant,)
)
 v.)
)
 JOSEPH R. BIDEN, President of the United States;)
 NANCY PELOSI, Speaker, U.S. House of)
 Representatives; CHARLES SCHUMER, Senate)
 Majority Leader; MITCH MCCONNELL, Senate)
 Minority Leader,)
)
 Defendants-Appellees.)

FILED
 Feb 07, 2022
 DEBORAH S. HUNT, Clerk

ON APPEAL FROM THE UNITED
 STATES DISTRICT COURT FOR
 THE EASTERN DISTRICT OF
 KENTUCKY

ORDER

Before: GIBBONS, STRANCH, and LARSEN, Circuit Judges.

Billy Ray Wilson, a Kentucky resident proceeding pro se, appeals the district court’s judgment dismissing his complaint for lack of subject matter jurisdiction. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App.-P. 34(a).

In 2021, Wilson filed a complaint against President Joseph R. Biden; Nancy Pelosi, Speaker of the United States House of Representatives; Charles Schumer, Majority Leader of the United States Senate; and Mitch McConnell, Minority Leader of the United States Senate. Wilson based his complaint on United Nations General Assembly Resolution 181, and he sought relief in the form of cessation of support for Israel and a declaration by the United States government to its citizens and the international community to stop praying for the destruction of the world. Along with his complaint, Wilson paid the district court’s filing fee.

The district court directed Wilson to amend his complaint, explaining that his allegations were insufficient to state a plausible claim for relief against the named defendants and to establish subject matter jurisdiction. Wilson responded by filing a “motion for statement of claim” that named the same defendants and broadly alleged wrongdoing by the United States government, Israel, and other entities. The district court then dismissed the complaint for lack of subject matter jurisdiction, concluding that it raised only political questions not subject to judicial review. On appeal, Wilson reiterates his claims regarding the relationship between the United States and Israel, asserts criminal wrongdoing by the government over several decades, and seeks the progression of his case to the Supreme Court.

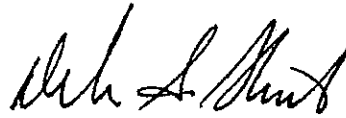
We review de novo the dismissal of a complaint for lack of subject matter jurisdiction. *Jama v. Dep’t of Homeland Sec.*, 760 F.3d 490, 494 (6th Cir. 2014). “Generally, a district court may not *sua sponte* dismiss a complaint where the filing fee has been paid unless the court gives the plaintiff the opportunity to amend the complaint.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (per curiam) (citing *Benson v. O’Brian*, 179 F.3d 1014, 1017 (6th Cir. 1999)). The district court permitted Wilson to amend his complaint, but Wilson’s amended complaint did not cure the identified deficiencies. Accordingly, the district court properly dismissed the complaint under Federal Rule of Civil Procedure 12(b)(1). *See* Fed. R. Civ. P. 12(b)(1); *Wagenknecht v. United States*, 533 F.3d 412, 417 (6th Cir. 2008) (noting that a district court may dismiss a complaint at any time for lack of subject matter jurisdiction under Rule 12(b)(1) when its allegations “are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion” (quoting *Apple*, 183 F.3d at 479)).

“The political question doctrine excludes from judicial review those controversies which revolve around policy choices and value determinations constitutionally committed for resolution to the halls of Congress or the confines of the Executive Branch.” *Japan Whaling Ass’n v. Am. Cetacean Soc’y*, 478 U.S. 221, 230 (1986). “Matters intimately related to foreign policy and national security are rarely proper subjects for judicial intervention.” *Haig v. Agee*, 453 U.S. 280, 292 (1981). As explained by the district court, Wilson’s complaint was grounded in matters of foreign policy, and the remedy he seeks—a change in the country’s foreign policy—is inherently

a political remedy. And despite being afforded the opportunity to amend his complaint, Wilson simply reiterated his assertion that America's foreign policy concerning Israel is unlawful. Although Wilson invokes the First and Fourteenth Amendments on appeal, his claims are precisely the sort left to the political branches, and the courts thus lack subject matter jurisdiction to adjudicate them. *See id.*; *Oetjen v. Cent. Leather Co.*, 246 U.S. 297, 302 (1918) ("The conduct of the foreign relations of our government is committed by the Constitution to the executive and legislative—the political—departments of the government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision.").

Accordingly, we **AFFIRM** district court's judgment.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk