

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 07-1675 JRT/FLN

CHRISTOPHER ROLLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>FEDERAL DEFENDANTS'</b>
	)	<b>REPLY TO PLAINTIFF'S</b>
GEORGE W. BUSH,	)	<b>OPPOSITION TO MOTION</b>
RICHARD B. CHENEY,	)	<b>TO DISMISS</b>
	)	
Defendants.	)	

**PROCEDURAL BACKGROUND**

Plaintiff Roller filed the above captioned case on or about March 27, 2007. On May 29, 2007 defendants filed a Motion to Dismiss the complaint. See C.D. 4-7. The defendants' motion is premised on lack of jurisdiction over the subject matter (patent infringement) and the person (defendants are immune from suit) and failure to state a claim upon which relief can be granted. Fed.R.Civ.P. 12(b)(1); 12(b)(2) and 12(b)(6).

In response, on or about July 18, 2007 plaintiff filed his Amended Complaint. C.D. 10. He also filed his memo in opposition to defendants pending motion. C.D. 11.

**DISCUSSION**

Plaintiff's amended complaint fails on its face to establish this court's jurisdiction against the named defendants. The defendants incorporate by reference the arguments set forth in their Motion and Memorandum in Support of Motion to Dismiss, C.D. 4-7 and request the court to dismiss the entirety of plaintiff's claims.

Plaintiff concedes in his responsive memo to oppose motion to dismiss that he does not have a valid approved patent. In any event, as set forth in defendants' moving papers, the district court does not have jurisdiction over patent suits. Moreover, the defendants are protected by sovereign immunity.

A review of plaintiff's amended complaint shows he seeks to add a claim against defendants George W. Bush and Richard Cheney premised on the Federal Tort Claims Act (FTCA). Am. Compl. para. 3. These "tort" claims include a 42 U.S.C. § 1985 claim, an 18 U.S.C. § 241 claim and a constitutional claim pursuant to Article VI of the Constitution. Id. and see S.F. 95 Administrative Claim filed by Roller. (Amended Compl.)

While the district courts may have jurisdiction over a properly pled FTCA claim, plaintiff Roller neither states a viable tort claim, nor does he sue a proper party. See U.S.C. § 2671 et seq. As neither plaintiff's original complaint or his amended complaint properly plead any of his claims against a proper party, his claims should be dismissed. FDIC v. Meyer, 510 U.S. 471, 477 (1994).

**CONCLUSION**

Plaintiff's complaint even as amended fails to establish this court's jurisdiction over the named defendants or, on its face to state a viable claim against them. The plaintiff's case must be dismissed in its entirety.

Dated: June 28, 2007

RACHEL K. PAULOSE  
United States Attorney

s/Patricia R. Cangemi  
Patricia R. Cangemi  
Attorney ID Number 153527  
Attorney for Defendants  
United States Attorney's Office  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
Telephone: (612) 664-5600  
Fax: (612) 664-5788