

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 20-7109****September Term, 2020****1:20-cv-02511-EGS****Filed On: February 5, 2021**

Robert C. Laity,

Appellant

v.

Kamala D. Harris,

Appellee

**BEFORE:** Tatel, Millett, and Rao, Circuit Judges**ORDER**

Upon consideration of the motion to add defendants; the motion for summary affirmance, the response thereto, and the reply; the motion to expedite; and the notices filed on January 3, 2021, it is

**ORDERED** that the motion to add defendants be denied. Appellant has not shown that “special circumstances” justify adding a party on appeal. See Mullaney v. Anderson, 342 U.S. 415, 416-17 (1952). It is

**FURTHER ORDERED** that the motion for summary affirmance be granted. The merits of the parties’ positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court correctly concluded that appellant does not possess standing to challenge Vice President Harris’s eligibility to hold office. See Lujan v. Defs. of Wildlife, 504 U.S. 555, 560-61 (1992) (“generally available grievance about government” does not confer standing); Chapman v. Obama, 719 F. App’x 13 (D.C. Cir. 2018) (no standing to challenge President Obama’s qualifications to hold office). Dismissal with prejudice is warranted because no facts consistent with the pleadings could cure this defect. See Firestone v. Firestone, 76 F.3d 1205, 1209 (D.C. Cir. 1996). It is

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

**FURTHER ORDERED**, on the court’s own motion, that appellant show cause within 30 days of the date of this order why appellant should not be sanctioned for bringing a frivolous appeal. See Fed. R. App. P. 38; 28 U.S.C. § 1912; Reliance Ins. Co. v. Sweeney

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Corp., Maryland, 792 F.2d 1137, 1138 (D.C. Cir. 1986) (“An appeal is considered frivolous when its disposition is obvious, and the legal arguments are wholly without merit.”) (internal quotation and citation omitted). The response to the order to show cause may not exceed the length limitations established by Fed. R. App. P. 27(d)(2) (5,200 words if produced using a computer; 20 pages if handwritten or typewritten). Failure by appellant to respond to this order may result in sanctions. See D.C. Cir. Rule 38.

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/

Manuel J. Castro

Deputy Clerk