

ORAL ARGUMENT NOT SCHEDULED

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JULIAN RAVEN,

Plaintiff-Appellant,

v.

JOHN G. ROBERTS, et al.,

Defendants-Appellees.

No. 26-5081
Civ A. No. 25-2332

APPELLEES' MOTION FOR SUMMARY AFFIRMANCE

Appellant Julian Raven (“Raven”) appeals from the District Court’s order dismissing this action for lack of Article III standing. The District Court correctly held that Raven’s Amended Complaint (Am. Compl. (R.11)) does not allege a concrete and particularized injury. Rather, it alleges generalized grievances concerning the Smithsonian Institution and the administration of the Smithson Trust.

Appellees respectfully move for summary affirmance of the Honorable Trevor N. McFadden’s January 26, 2026, Memorandum Opinion and Order granting their Motion to Dismiss and denying Raven’s other motions. Mem. Op. (R.32); Order (R.33) (copies attached to this motion).

Summary disposition is appropriate in this case because “the merits of this appeal are so clear as to make summary affirmance proper.” *Walker v. Washington*, 627 F.2d 541, 545 (D.C. Cir. 1980); accord *Ambach v. Bell*, 686 F.2d 974, 979 (D.C. Cir. 1982). “[N]o benefit will be gained from further briefing and argument of the issues presented.” *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297-98 (D.C. Cir. 1987). The District Court correctly granted Defendants’ Motion to Dismiss because Raven’s amended complaint does not allege a concrete injury particular to Raven which is sufficient to establish Article III standing. The District Court’s conclusion rests comfortably within this Court’s precedent and neither the facts nor the legal theories advanced by Raven cast doubt on the correctness of the District Court’s analysis and decision.

Further briefing and argument would be of no aid to the Court.

BACKGROUND

This is Raven’s third lawsuit involving the Smithsonian Institution or the National Portrait Gallery. In 2017, Raven sued the United States, Smithsonian’s then-Director of the National Portrait Gallery, Kim Sajet, and other Smithsonian senior leaders after the Gallery declined to exhibit his portrait of then President-elect Donald Trump. *See Raven v.*

Sajet, 334 F. Supp. 3d 22 (D.D.C. 2018) (“*Raven I*”). The District Court dismissed the action for failure to state a claim, holding that the Gallery’s art-selection decisions constituted government speech and that Raven had no constitutional right to compel the Gallery to display his work. *Id.* at 28–36. In 2022, Raven again sued Sajet after she blocked him on Twitter. *See Raven v. Sajet*, No. 22-cv-2809, 2024 WL 5118228, at *1 (D.D.C. Dec 16, 2024) (“*Raven II*”). That action was likewise dismissed for failure to state a claim. *Id.* at *5; *see also*, Mem. Op. (R.32) at 1-2.

After President Trump was reelected in 2024, Raven again sought to have the National Portrait Gallery display his portrait, and his submission was again denied. Am. Compl. (R.11) at 15. Raven then broadened his focus to the Smithsonian as a whole, alleging in the instant lawsuit that “partisanship, corruption, mismanagement, and presidential overreach” have infected the Smithsonian. Mem. Op. (R.32) at 1. Raven sued President Trump; the United States; the United States Congress; Chief Justice John G. Roberts, in his official capacity as Chancellor of the Smithsonian Institution; Smithsonian Secretary Lonnie Bunch III; former Smithsonian Under Secretary Richard Kurin, who is now Smithsonian Distinguished Scholar and Ambassador at

Large; and the Smithsonian Board of Regents. Am. Compl. (R.11). Raven asserted claims for breach of fiduciary duty, constructive fraud and misrepresentation, institutional nonfeasance and trustee dereliction, fiduciary nonfeasance and inaction, executive overreach and violation of donor intent, and institutional nonfeasance combined with executive interference. *Id.* at 19-22, 24-26; *see also* Mem. Op. (R.32) at 2.

The Defendants-Appellees (“Defendants”) moved to dismiss the Amended Complaint under Federal Rule of Civil Procedure 12(b)(1), arguing that Raven lacked Article III standing. Mot. to Dismiss (R.16). The District Court agreed, holding that Raven “never allege[d] a concrete harm, particular to himself” and therefore lacked standing to pursue his claims. Mem. Op. (R.32) at 1. The court dismissed the action and denied Raven’s motion for a preliminary injunction as moot, denied Raven’s remaining pending motions, and entered a final, appealable order. *Id.* at 7; Order (R.33).

ARGUMENT

I. SUMMARY AFFIRMANCE IS APPROPRIATE BECAUSE RAVEN LACKS ARTICLE III STANDING

After analyzing Raven's claims, the District Court correctly concluded that Raven lacks Article III standing, and because that conclusion is clearly correct, summary affirmance is warranted.

Article III limits federal courts to resolving actual "Cases" and "Controversies." U.S. Const. art. III, § 2. To establish standing, a plaintiff must demonstrate (1) an injury in fact that is concrete, particularized, and actual or imminent; (2) a causal connection between the injury and the challenged conduct of the defendant; and (3) a likelihood that the injury will be redressed by a favorable judicial decision. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992); *TransUnion LLC v. Ramirez*, 594 U.S. 413, 423 (2021); *Food and Drug Adm. v. All. for Hippocratic Med.*, 602 U.S. 367, 380 (2024). Raven cannot satisfy any of these requirements. Rather than alleging a concrete injury particular to himself, Raven asserts generalized grievances regarding the Smithsonian's governance, administration of the Smithsonian Trust, and alleged political influence over the Institution. The District Court correctly held that Raven's allegations do not establish standing.

A. Raven Alleged No Concrete, Particularized Injury

Raven failed to demonstrate an injury in fact that is concrete, particularized, and actual or imminent, as required. *Lujan*, 504 U.S. at 560; *TransUnion*, 594 U.S. at 423. A concrete injury must be real rather than abstract, and a particularized injury must affect the plaintiff in a personal and individual way. *TransUnion*, 594 U.S. at 423–24.

Raven does not satisfy these requirements. As the District Court correctly observed, Raven “never allege[d] a concrete harm, particular to himself.” Mem. Op. (R.32) at 1. Thus, Raven “falters at the first hurdle – injury in fact – by failing to specify a concrete injury, particular to him.” *Id.* at 5. Instead, Raven alleges vague and unspecified injuries to the Smithsonian Institution, the administration of the Smithsonian Trust, donor intent, institutional independence, and the public interest in the proper governance of the Smithsonian. *See generally*, Am. Compl. (R.11).

Raven’s allegations concern the operation of the Smithsonian as a whole, not a personal injury suffered by Raven. But the Supreme Court has long held that a plaintiff raising only a generally available grievance about government and seeking relief that benefits him no more directly than the public at large lacks standing. *Lujan*, 504 U.S. at 573–74. More

recently, the Court reaffirmed that Article III bars suits brought by plaintiffs asserting only “general legal, moral, ideological, or policy objection[s]” to government action. *Food and Drug Adm.*, 602 U.S. at 381. That is because federal courts do not serve as “an open forum for citizens to press general complaints about the way in which the government goes about its business.” *Id.* Raven’s allegations fall squarely within that prohibition.

Raven cannot make out a concrete and particularized injury by asserting that he is a beneficiary of the Smithsonian Trust. Raven alleged that the Smithsonian exists to promote the “increase and diffusion of knowledge among men” for the benefit of the general public. Am. Compl. (R.11) at 5. Meaning, any injury arising from an alleged failure to fulfill that mission would therefore be shared broadly by the public at large, not suffered uniquely by Raven. Such an undifferentiated interest is insufficient to establish Article III standing. *See Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 913 (D.C. Cir. 2015) (explaining that a particularized injury must be “personal, individual, distinct, and differentiated, not generalized or undifferentiated”).

Because Raven’s amended complaint alleged only generalized grievances concerning the Smithsonian and its administration, he failed to establish the injury in fact requirement of Article III standing. Raven “allege[d] the Government ‘committed systemic breaches of fiduciary duty and constitutional violations’ by overt politicization and ‘nationalization’ of the Smithsonian.” Mem. Op. (R.32) at 5 (quoting Am. Compl. (R.11) at 16). Raven claimed these failures resulted in the “loss of institutional independence and cultural trust integrity,” Am. Compl. (R.11) at 34, and that they diminished his “trust-based reliance and institutional access” to the Smithsonian, *id.* at 22.

The District Court properly characterized these as general grievances and disposed of the amended complaint regarding the administration of the Smithsonian, finding no concrete injury particular to Raven. Mem Op. (R.32) at 5; *see also Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 409 (2013). Vague claims of diminishing integrity without more amount merely to “abstract” harms. Mem. Op. (R.32) at 5; *see also Daughtrey v. Carter*, 584 F.2d 1050, 1058 (D.C. Cir. 1978).

The District Court correctly summarized Raven’s failure to allege a concrete and particularized harm: “Smithsonian management

decisions...no more directly and tangibly” impact Raven any more than they do “the public at large.” Mem. Op. (R.32) at 5. (citing *Hollingsworth v. Perry*, 570 U.S. 693, 706 (2013)). Thus, the District Court correctly held that Raven lacked the injury in fact necessary for standing.

B. Raven’s Alleged Injury Is Not Fairly Traceable to These Defendants.

Standing requires traceability, and the District Court properly found that Raven could not connect any purported injury to the Government actors he sued. Mem. Op. (R.32) at 5-6. Traceability requires a causal connection between the plaintiff’s injury and the defendant’s challenged conduct. *Lujan*, 504 U.S. at 560–61. The injury cannot be “the result of the independent action of some third party not before the court.” *Id.* at 560 (quoting *Simon v. E. Ky. Welfare Rts. Org.*, 426 U.S. 26, 41–42 (1976)). Where a plaintiff’s theory depends on attenuated causal chains or speculation regarding the actions of others, standing is lacking. *Arpaio v. Obama*, 797 F.3d 11, 20–22 (D.C. Cir. 2015).

Raven failed to establish that traceable connection. Although his amended complaint broadly challenged Smithsonian governance, alleged executive influence, and purported departures from donor intent, the

only concrete event he identifies is the National Portrait Gallery's refusal to display his painting. Mem. Op. (R.32) at 5-6. But Raven did not plausibly allege that any of the government actors made, directed, or controlled that curatorial decision. Rather, his allegations depended on the theory that broader institutional failures, political influence, or misconduct within the Smithsonian ultimately led to the Gallery's decision. Am. Compl. (R.11) at 10-14. Such a theory rests precisely on the sort of speculative and attenuated chain of causation that Article III does not permit. *See Arpaio*, 797 F.3d at 20–22.

Nor did Raven's allegations of partisanship, corruption, mismanagement, or executive overreach establish traceability. Those assertions amount to generalized objections to the operation of the Smithsonian and its leadership. They do not plausibly connect the conduct of these Defendants to a concrete injury suffered by Raven. Because Raven has failed to show that any alleged injury is fairly traceable to the challenged conduct of these Defendants, he also lacks Article III standing under this prong.

C. Raven's Requested Relief Would Not Redress a Personal Injury

Redressability requires a plaintiff to show that it is likely, rather than merely speculative, that the requested relief will remedy the alleged injury. *Lujan*, 504 U.S. at 561. Because causation and redressability are often “flip sides of the same coin,” a plaintiff who cannot connect his alleged injury to the defendants’ conduct will frequently be unable to show that relief against those defendants would remedy the injury. *Food and Drug Adm.*, 602 U.S. at 380.

Raven did make that showing here. He sought sweeping institutional relief, including declarations concerning the Smithsonian’s legal status, injunctions limiting alleged executive influence, fiduciary enforcement measures, removal of the individual named Defendants, dissolution and reconstitution of the Smithsonian’s Board of Regents, record-preservation requirements, and a wholesale restructuring of Smithsonian governance. Am. Compl. (R.11) at 36-47. But none of that requested relief would have remedied a non-existent concrete injury personal to Raven. Instead, Raven sought to overhaul the administration of the Smithsonian and supervise its future management, via the federal

court, at the whims of an individual asserting generalized grievances regarding the Smithsonian's governance and operation.

Nor would the requested relief have redressed Raven's underlying complaint that the National Portrait Gallery declined to display his portrait. A declaration regarding the Smithsonian's legal status would not establish that any defendant caused the Gallery's curatorial decisions. Likewise, an injunction concerning Smithsonian governance or alleged executive influence would not require the Smithsonian to exhibit Raven's artwork. Because the relief Raven seeks would not likely remedy any concrete injury he alleges, he also cannot establish redressability. *See Lujan*, 504 U.S. at 561.

II. RAVEN'S TRUST-LAW THEORY DOES NOT CURE ARTICLE III LACK OF STANDING

Raven improperly tries to use trust law to assert standing. The District Court properly disposed of Raven's claim that he has standing due to his status as a public beneficiary of the Smithson Trust. Mem. Op. (R.32) at 6. Raven alleged that charitable trust law permits a beneficiary with a special interest to sue when public officials decline to act. Am. Compl. (R.11) at 27-30, 36. Raven alleged that the D.C. Attorney General had not sued to enforce the Smithson Trust obligations the way Raven

interprets them, which therefore means Raven has a special interest status as an artist and therefore could do so. *Id.* at 27-30.

The District Court noted that this argument falls woefully short for several reasons. Mem. Op. (R.32) at 6. First, Raven cites a case from Hawaii state court, *Kapiolani Park Pres. Soc. v. City of Honolulu*, 751 P. 2d 1022 (Haw. 1988), which does not control the outcome in this case and did not involve the Smithsonian. While the Smithsonian is a trust instrumentality of the United States, *Dong v. Smithsonian Inst.*, 125 F. 3d 877, 883 (D.C. Cir. 1997), “it does not mean the Smithsonian serves as a trustee to individual Americans or artists, like Raven.” Mem. Op. (R.22) at 6. As the District Court correctly determined, “[w]hen the United States subjects itself to a trust relationship, it does so specifically.” *Id.* (citing *United States v. Navajo Nation*, 537 U.S. 488, 505-06 (2003) (finding a “general trust relationship between the United States and the Indian people” insufficient reason to impose fiduciary duties on the United States) (citation modified)).

Even assuming that Raven’s proposition is correct as a matter of trust law, it does not eliminate Article III’s independent standing requirements. A plaintiff invoking federal jurisdiction must still

demonstrate a concrete and particularized injury, fairly traceable to the defendant's conduct, and likely to be redressed by a favorable decision. *See Lujan*, 504 U.S. at 560–61; *TransUnion*, 594 U.S. at 423. As explained above, Raven fails to do that.

Raven misplaced his reliance on *Hooker v. Edes Home*, 79 A.2d 608 (D.C. 1990). Opp'n to Mot. to Dismiss (R.20) at 7. In *Hooker*, the D.C. Court of Appeals permitted suit by members of a narrowly defined beneficiary class challenging trustee action affecting a charitable institution created for their benefit. 79 A.2d at 609–10, 615–18. The trust served a limited and identifiable group of beneficiaries with specific eligibility requirements. *Id.*

Even assuming that District of Columbia trust law governs, Raven has alleged no comparable interest. By his own account, the Smithsonian Trust exists to promote the “increase and diffusion of knowledge among men” for the benefit of the public. Am. Compl. (R.11) at 5. Any interest Raven claims as a beneficiary of that mission is therefore shared broadly with the public at large. Unlike the plaintiffs in *Hooker*, Raven does not belong to a narrow class of beneficiaries possessing a distinct interest in the trust's administration. Raven's asserted interest is indistinguishable

from the generalized grievances that Article III does not permit federal courts to adjudicate.

Kapiolani Park does not alter that conclusion. 751 P.2d 1022 (Haw. 1988). *Kapiolani* was a Hawaii state-law charitable-trust case involving a proposed lease of specific trust property. *Id.* at 1023–25. Whatever relevance that decision may have in Hawaii trust litigation, it cannot create Article III standing in federal district court in Washington, D.C.

Accordingly, even if charitable trust-law sometimes permits certain beneficiaries to challenge trust administration, Raven still must satisfy Article III. Because he alleges only generalized grievances rather than a concrete and particularized injury, his trust-law theory does not cure the jurisdictional defect, as correctly determined by the District Court. Mem. Op. (R.32) at 6-7.

III. THE DISTRICT COURT CORRECTLY DISMISSED RAVEN’S OTHER MOTIONS

Raven’s notice of appeal (R.36) encompasses all adverse rulings contained in the District Court’s order, including the denial of his motion for preliminary injunctive relief, the denial of his motion to recuse, the denials of his motions to certify to the Supreme Court, and the denial of his motion to take judicial notice. Mem. Op. (R.32) at 7; Order (R.33).

The District Court correctly denied Raven's motion for a preliminary injunction as moot after concluding that he lacked Article III standing and dismissed the action. Likewise, the District Court's disposition of Raven's certification and judicial-notice motions do not affect the jurisdictional analysis or cure Raven's absence of standing.

Moreover, those rulings do not alter the District Court's conclusion that Raven failed to allege a concrete and particularized injury sufficient to establish standing. Because the remaining rulings do not undermine the District Court's jurisdictional holding, they provide no basis to disturb the judgment. The District Court's final order should therefore be summarily affirmed in its entirety.

CONCLUSION

For the foregoing reasons, the Court should summarily affirm the District Court's January 26, 2026, Memorandum Opinion and accompanying Order.

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CERTIFICATE OF COMPLIANCE

The foregoing complies with Federal Rule of Appellate Procedure 27(d), in that it contains 3027 words, is in fourteen-point font, and utilizes Century Schoolbook typeface.

/s/ Thomas W. Duffey

THOMAS W. DUFFEY

Assistant United States Attorney

CERTIFICATE OF SERVICE

Today, June 25, 2026, the foregoing was served on the Appellant by mailing it to him at the following address.

Julian Raven
714 Baldwin Street
Elmira, NY 14901

.

/s/ Thomas W. Duffey

THOMAS W. DUFFEY

Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIAN RAVEN,

Plaintiff,

v.

DONALD TRUMP, et al.,

Defendants.

Case No. 1:25-cv-2332 (TNM)

MEMORANDUM OPINION

National Portrait Gallery leadership has twice rejected Julian Raven's painting of President Donald Trump for display, and Raven has twice sued Portrait Gallery leadership over that decision. For his third lawsuit, Raven, proceeding pro se, tries something different. He now trains his sights on the entire Smithsonian, claiming that partisanship, corruption, mismanagement, and presidential overreach have infected the institution. He sues the President, Congress, the Chief Justice, and Smithsonian leadership for their failure to stop its decline.

In this case, the third time is not the charm. In pursuing the Smithsonian, Raven never alleges a concrete harm, particular to himself. He thus lacks standing to bring this case. The Court will dismiss it.

I.

Raven's saga with the Smithsonian begins in 2016, when he submitted a portrait for display at the National Portrait Gallery. Am. Compl. at 11, ECF No. 11. The museum's director, Kim Sajet, rejected his submission and subsequent appeal, so Raven sued her and the museum's Board of Regents, alleging various tort claims and violations of the First and Fifth Amendments. *See Raven v. Sajet*, 334 F. Supp. 3d 22, 25 (D.D.C. 2018). The Court dismissed Raven's

complaint for failure to state a claim. *Id.* at 35–36. In 2022, Raven mentioned Sajet in a tweet, Sajet blocked Raven on Twitter, so Raven sued again. *See Raven v. Sajet*, No. 22-cv-2809, 2024 WL 5118228, at *1 (D.D.C. Dec. 16, 2024). That suit was also dismissed for failure to state a claim. *Id.* at *5.

After President Trump was re-elected in 2024, Raven once again sought to have the National Portrait Gallery display his portrait, and once again, Raven’s submission was denied. *Am. Compl.* at 15. Unrelatedly, in May 2025, President Trump “publicly demanded Sajet’s removal,” prompting Sajet’s resignation two weeks later. *Id.* at 12–13. These events led Raven to broaden his focus from the Portrait Gallery to the entire Smithsonian, and to problems beyond his portrait’s rejection—“partisan hijacking, unaccountable corruption, leadership chaos,” and “presidential meddling” in the Smithsonian’s affairs. *Id.* at 9. Seeking to remedy these failures, Raven turned to this Court for the third time. *See Compl.*, ECF No. 1.

He sues Lonnie Bunch III in his capacity as the Secretary of the Smithsonian, Richard Kurin as former Smithsonian Under Secretary, and the Smithsonian Board of Regents for “breach of fiduciary duty,” “constructive fraud and misrepresentation,” and “institutional nonfeasance and trustee dereliction.” *Am. Compl.* at 19–22. And he sues Congress for “fiduciary nonfeasance and inaction,” the President for “executive overreach and violation of donor intent,” and all of them (collectively, “the Government”) for “institutional nonfeasance combined with executive interference.” *Id.* at 24–26. He also seeks a preliminary injunction enjoining the President from interfering with the Smithsonian and declaring the Smithsonian a private trust. *See Pl.’s Mot.* at 9, ECF No. 10. The Government moved to dismiss his claims under Rule 12(b)(1) of the Federal Rules of Civil Procedure. *Mot. to Dismiss* at 1, ECF No. 16.

That motion is ripe, and the Court addresses it below.¹ The Court also addresses Raven’s many other pending motions.

II.

Before turning to the substance of the motion to dismiss, the Court addresses Raven’s recusal request. *See* Mot. for Recusal, ECF No. 22; Mot. to Clarify at 4, ECF No. 23 (asking the Court to recuse). Raven contends that this Court’s disposition in *Raven v. Sajet*, 334 F. Supp. 3d 22 (D.D.C. 2018), raises “substantial doubts” about the Court’s impartiality in handling this case. Mot. for Recusal at 1–2. He argues the Court failed to adequately address legal theories and misapplied relevant law. *Id.* at 1–8. Never mind that the D.C. Circuit summarily affirmed that ruling, *see Raven v. United States*, No. 18-5346, 2019 WL 2562945, at *1 (D.C. Cir. May 17, 2019), and the en banc court and Supreme Court denied further review, *see Raven v. United States*, No. 18-5346, (D.C. Cir. Aug. 12, 2019) (denying en banc review); *Raven v. United States*, 589 U.S. 1160 (2020) (mem.) (denying certiorari).

In any event, his complaints do not justify recusal under 28 U.S.C. § 455. “[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion.” *Liteky v. United States*, 510 U.S. 540, 555 (1994). And Raven’s claims, which boil down to dissatisfaction with the Court’s resolution of his prior case, provide insufficient reason to deviate from that guidepost here.

III.

Moving to the motion to dismiss, the Court begins and ends with the Government’s standing arguments. *See Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 89, 94–95 (1998).

¹ The Court will grant Raven’s Motion for Leave to File a Sur-reply, ECF No. 31, and considers the sur-reply in resolving this matter.

To survive a motion to dismiss under Rule 12(b)(1), the Complaint must allege a plausible basis for the Court’s jurisdiction. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992). And jurisdiction encompasses standing to sue under Article III. *See Arpaio v. Obama*, 797 F.3d 11, 19 (D.C. Cir. 2015). Under Rule 12(b)(1), the Court “assume[s] the truth of all material factual allegations in the complaint and construe[s] the complaint liberally, granting [Raven] the benefit of all inferences that can be derived from the facts alleged.” *Am. Nat’l Ins. v. FDIC*, 642 F.3d 1137, 1139 (D.C. Cir. 2011) (cleaned up).

More, because Raven proceeds pro se, his Complaint “must be held to less stringent standards than formal pleadings drafted by lawyers” and must be “liberally construed.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (cleaned up). But even pro se litigants must meet the minimum pleading standards required by the Federal Rules and the Constitution. *See Yellen v. U.S. Bank, Nat’l Ass’n*, 301 F. Supp. 3d 43, 47 (D.D.C. 2018). That includes rules for alleging subject matter jurisdiction. *Stoller v. United States*, 216 F. Supp. 3d 171, 174 (D.D.C. 2016); *see also Atherton v. D.C. Off. of Mayor*, 567 F.3d 672, 681–82 (D.C. Cir. 2009).

“[S]tanding doctrine helps ensure that in each case, the proper plaintiff is suing the proper defendant over a kind of injury the Court is able to resolve.” *Mass. Coal. for Immigr. Reform v. U.S. Dep’t of Homeland Sec.*, 698 F. Supp. 3d 10, 22 (D.D.C. 2023). This principle means Raven must plausibly allege “(1) an ‘injury in fact’ that is ‘concrete and particularized’ as well as ‘actual or imminent’; (2) a ‘causal connection’ between the injury and the challenged conduct; and (3) a likelihood, as opposed to mere speculation, ‘that the injury will be redressed by a favorable decision.’” *Ark Initiative v. Tidwell*, 749 F.3d 1071, 1075 (D.C. Cir. 2014) (quoting *Lujan*, 504 U.S. at 560–61).

Raven has not made that showing. He falters at the first hurdle—injury in fact—by failing to specify a concrete injury, particular to him. A concrete harm is “real, and not abstract.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 340 (2016) (cleaned up). And a “particularized” injury “must affect the plaintiff in a personal and individual way.” *Lujan*, 504 U.S. at 560 n.1. Broad, “generally available grievance[s] about government” operations do not suffice. *Id.* at 573.

But that is all Raven’s Complaint supplies. He alleges the Government “committed systemic breaches of fiduciary duty and constitutional violations” by overt politicization and “nationalization” of the Smithsonian. *See* Am. Compl. at 16. These failures, he says, resulted in the “loss of institutional independence and cultural trust integrity,” *id.* at 34, or, put another way, those failures diminished Raven’s “trust-based reliance and institutional access” to the Smithsonian, *id.* at 22. None of those injuries is concrete. *See Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 409 (2013). Vague claims of diminishing integrity without more amount merely to “abstract” harms. *See Daughtrey v. Carter*, 584 F.2d 1050, 1058 (D.C. Cir. 1978).

None of those injuries is particular to Raven, either. *See Clapper*, 568 U.S. at 409. Smithsonian management decisions, however much they politicize the institution, “no more directly and tangibly” affect Raven than they do “the public at large.” *Hollingsworth v. Perry*, 570 U.S. 693, 706 (2013) (cleaned up). Indeed, Raven himself emphasizes that this “ongoing injury” affects not only him, but all “people of the United States.” Am. Compl. at 25, 39. He is thus left with exactly the kind of “harm to his and every citizen’s interest” that bars suits from federal court. *Hollingsworth*, 570 U.S. at 706.

Even if Raven cited the second denial of his portrait as injury, he would still come up short. No one he sues here had a role in that decision. The rejection resulted from Sajat’s “independent action,” *Von Aulock v. Smith*, 720 F.2d 176, 181 (D.C. Cir. 1983); *see* Am. Compl.

at 20, which would leave Raven unable to fairly trace his painting's rejection to the Government actors party to this case, *Von Aulock*, 720 F.2d at 181.

Raven counters that he has standing through his status as a “public beneficiary of the Smithsonian trust.” Pl.’s Mot. at 3; Am. Compl. at 27, 30, 36. He asserts that normally, the D.C. Attorney General must sue to enforce trust obligations in this circumstance “as guardian[] of the beneficiaries” of trusts operating in the District. Am. Compl. at 27. Because the Attorney General has not acted, Raven claims he may do the job given his “special interest” status as an artist. *Id.* at 27–30.

This argument falls short. First, the only support Raven provides for this theory comes from Hawaii state law and thus does not affect this case. *See id.* at 29 (citing *Kapiolani Park Pres. Soc. v. City of Honolulu*, 751 P.2d 1022 (Haw. 1988)).² It is true that the Smithsonian, unlike other federal entities, acts as a “trustee,” in that it administers “the original Smithsonian trust property and later accretions.” *Dong v. Smithsonian Inst.*, 125 F.3d 877, 883 (D.C. Cir. 1997) (noting that the Smithsonian was created “pursuant to a trust bequest” and the “United States, as trustee, holdings legal title to the original Smithsonian trust property and later accretion”). But that does not mean the Smithsonian serves as a trustee to individual Americans or artists, like Raven. When the United States subjects itself to a trust relationship, it does so specifically. *See, e.g., United States v. Navajo Nation*, 537 U.S. 488, 505–06 (2003) (finding a “general trust relationship between the United States and the Indian people” insufficient reason to impose fiduciary duties on the United States) (cleaned up). Without a more “personal stake” in the

² Raven’s other citations on this score do not lead to actual cases. *See* Am. Compl. at 30 (citing “*Eliot v. Keese* . . . , 305 Mass. 563, 21 N.E.2d 165, 167 (1939)” (italics added); *id.* at 29 (citing “*Edes Home v. Hooker*, 204 F.2d 555, 560 (D.C. Cir. 1953)”); *id.* at 25 (citing “*Edes Home v. Hooker*, 36 App. D.C. 566 (1911)” (italics added)).

Smithsonian's affairs, *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 368 (2024), Raven has not shown standing. So the Court must dismiss his Complaint. *See Arpaio*, 797 F.3d at 15.

IV.

Finally, the Court addresses several other motions Raven filed. He twice moved this Court to certify his case to the Supreme Court. *See* Mot. for Order for Cert., ECF No. 2; Mot. for Cert., ECF No. 9. The Court will deny those motions. Should Raven desire a higher court's review, he must use the regular appeals process. *See Sibley v. U.S. Sup. Ct.*, 786 F. Supp. 2d 338, 345 (D.D.C. 2011) ("This court is not a reviewing court and cannot compel Supreme Court justices . . . to act.").

Next, Raven moves the Court to take judicial notice of various facts. *See* Mot. to Take Jud. Notice, ECF No. 3; Mot. to Clarify at 3, ECF No. 23. The Court will deny these motions too. This information is "irrelevant to disposition of the motion to dismiss, which turns on the adequacy of the well-pleaded factual allegations in the complaint, which are assumed to be true." *Whiting v. AARP*, 637 F.3d 355, 364 (D.C. Cir. 2011).

V.

For these reasons, the Court will dismiss Raven's Complaint without prejudice, and deny his Motion for a Preliminary Injunction as moot.

The Court will also deny Raven's Motions to Recuse, Motions to Certify, Motions to Take Judicial Notice. It will grant him Leave to File a Sur-reply.

A separate Order will issue today.

Dated: January 26, 2026


2026.01.26
11:24:24 -05'00'
TREVOR N. McFADDEN, U.S.D.J.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIAN RAVEN,

Plaintiff,

v.

DONALD TRUMP, *et al.*,

Defendants.

Case No. 1:25-cv-2332 (TNM)

ORDER

Upon consideration of Defendants' [16] Motion to Dismiss, the pleadings, and the relevant law, it is hereby

ORDERED that Defendants' [16] Motion to Dismiss is GRANTED and the case is dismissed without prejudice; it is further

ORDERED that the [10] Motion for a Preliminary Injunction is DENIED as moot; it is further

ORDERED that the [2] Motion for Order for Certification, the [3] Motion to Take Judicial Notice, the [9] Motion for Certification to the United States Supreme Court, the [22] Motion for Recusal, and the [24] Motion to Clarify, Motion for Recusal are DENIED; it is further

ORDERED that the [31] Motion for Leave to File Surreply is GRANTED.

The Clerk of Court is requested to close this case. This is a final, appealable order. *See* Fed. R. App. P. 4(a).

SO ORDERED.

Dated: January 26, 2026

The image shows a handwritten signature in black ink, which appears to read 'T. N. McFadden', written over a circular official seal of the United States District Court for the District of Columbia.

2026.01.26
11:26:02 -05'00'
TREVOR N. McFADDEN, U.S.D.J.