

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LARRY KLAYMAN,

Plaintiff,

v.

HON. NEOMI RAO,
U.S. Circuit Court Judge, *et al.*,

Defendants.

Civil Action No. 23-1606 (JEB)

DEFENDANTS' STATUS REPORT

By and through undersigned counsel, Defendants respectfully submit this status report to provide the Court information regarding future proceedings in this matter.

1. Plaintiff Larry Klayman filed this action in the Superior Court for the District of Columbia on May 1, 2023, and counsel for the United States removed it to this Court on June 5, 2023. ECF No. 1. The Complaint seeks injunctive and other equitable relief stemming from *In re: Larry Klayman*, No. 22-8521 (D.C. Cir.), which is Klayman's reciprocal disciplinary proceeding based on the Suspension Order and Judgment of the District of Columbia Court of Appeals in *In re: Larry Klayman*, 20-BG-583 (D.C.C.A.).

2. The Complaint asserts that five judges on the D.C. Circuit, namely the Hon. Neomi Rao, Hon. Robert L. Wilkins, Hon. Karen LeCraft Henderson, Hon. Gregory G. Katsas, and Hon. Justin R. Walker, have violated Klayman's "sacrosanct constitutional due process rights,"¹

¹ Klayman asserted the same claim verbatim in his previous litigation against other judges of this Court and the D.C. Circuit in *Klayman v. Rao, et al.*, 49 F.4th 550, 55 (D.C. Cir. 2022), which was likewise brought pursuant to the Fourteenth and Fifth Amendments for alleged violations of Klayman's due process rights.

including his Fourteenth Amendment rights and his Fifth Amendment rights by denying him the ability to submit a USB hard-drive of materials from Klayman's reciprocal disciplinary proceeding, failing to stay the reciprocal disciplinary proceeding pending resolution of the suspension order from the D.C. Court of Appeals, and denying his request to file a supplemental appendix. *See* ECF No. 1-1 at 9-10. By way of relief, Klayman seeks an order transferring the Complaint to "another Court which is considering reciprocal discipline and to rule that the entire record should be reviewed to reach a just decision based on the facts and the law." *Id.* at 11.

3. Klayman, who was suspended from the practice of law for eighteen months in this jurisdiction in 2022, is proceeding *pro se* in this matter and has failed properly to serve Defendants. To date, the U.S. Attorney's Office has no record of service in this case. Pursuant to Federal Rule of Civil Procedure ("Rule") 4(m), the Court should afford Klayman an additional 60-day period to effect service, and if Klayman fails to perfect service in that period, the Court should dismiss this suit *sua sponte*, just as this Court did last year in *Klayman v. Hon. Timothy Kelly, Hon. Trevor McFadden, and Hon. Dabney Friedrich*, Civ. A. No. 21-2536 (JEB) (D.D.C. Feb. 11, 2022) ("MINUTE ORDER: As Plaintiff has failed to file proof of service by the deadline set out in the Court's Minute Order of January 19, 2022, the Court ORDERS that the case is DISMISSED WITHOUT PREJUDICE per FRCP 4(m).").

4. If service is effected by the deadline in late July 2023, undersigned counsel will need a reasonable amount of time to prepare an appropriate motion to dismiss the different claims in the Complaint. Rules 12(a)(2) and (3) afford defendants 60 days from service on the U.S. Attorney's Office for responding in this type of case. Accordingly, Defendants request that any deadline for responding to the complaint be set no earlier than September 29, 2023.

Dated: June 9, 2023
Washington, DC

Respectfully submitted,

MATTHEW M. GRAVES, D.C. Bar No. 481052
United States Attorney

BRIAN P. HUDAK
Chief, Civil Division

By: /s/ Brenda González Horowitz
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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I certify that on June 9, 2023, I caused a copy of the foregoing Defendants' Status Report to be served via the United States Postal Service with prepaid first-class postage and addressed to:

Larry Klayman
7050 W. Palmetto Park Rd.
Boca Raton, FL 33433

/s/ Brenda González Horowitz
Assistant United States Attorney