

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

OTIS McDONALD, et al.,)
)
 Plaintiffs,)
)
 v.) No. 08 C 3645
)
 CITY OF CHICAGO, et al.,)
)
 Defendants.)

MEMORANDUM ORDER

This newly-filed action has been assigned to this Court's calendar. From a reading of the Complaint it appears that plaintiffs' counsel may view this litigation--which is entitled to serious consideration on its own merit--as a vehicle for some other purposes as well. This memorandum order is issued sua sponte to strip the Complaint of some surplusage--listed in the order of appearance, rather than in any effort to rank the stricken allegations in terms of importance--that does not conform to the directive of Fed. R. Civ. P. 8(a) as to the content of a federal complaint.

1. Because yesterday's Supreme Court decision in District of Columbia v. Heller, No. 07-290, 554 U.S. ___, 2008 WL 2520816 (U.S. June 26) requires no independent justification for the ownership and possession of firearms under the Second Amendment (see Complaint ¶34),¹ all but the

¹ Nothing in the Supreme Court's opinion addresses the registration and licensing requirements targeted by the Complaint (see Heller, id. at *28 n.26 and *30), and no view is of course

first sentence of each of Complaint ¶¶1 through 4 are stricken.

2. Complaint ¶8 appears to reflect an inaccurate characterization of the form of government that is prescribed for the City of Chicago. Absent some showing to the contrary by plaintiffs' counsel, that paragraph will be stricken, Richard Daley will be dismissed as a defendant and all of the Complaint's references to "Defendants" will be converted to singular form.

3. Because 28 U.S.C. §§2201 and 2202 are not independent sources of federal subject matter jurisdiction, reference to those sections is stricken from Complaint ¶9.

4. Complaint ¶¶40 through 45 are stricken as patently inappropriate.

5. All of the Complaint's references to "Cause of Action" are also stricken. In that respect, see NAACP v. American Family Mut. Ins. Co., 978 F.2d 287, 291-93 (7th Cir. 1992)).

No effort has been made here to be comprehensive in terms of identifying any other possible pleading defects, nor (as n.1 states) has this memorandum order sought to identify any possible substantive deficiencies, in the Complaint. Any such possible

expressed here as to such substantive issues.

flaws will be left to defense counsel to raise.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large, looped initial "M".

Milton I. Shadur
Senior United States District Judge

Date: June 27, 2008