

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

1 At a stated term of the United States Court of Appeals  
2 for the Second Circuit, held at the Daniel Patrick Moynihan  
3 United States Courthouse, 500 Pearl Street, in the City of  
4 New York, on the 23<sup>rd</sup> day of March, two thousand and ten.

5  
6 PRESENT: ROBERT D. SACK,  
7 RICHARD C. WESLEY,  
8 *Circuit Judges,*  
9 RICHARD K. EATON,  
10 *Judge.\**

11  
12  
13  
14 ROBERT L. SCHULZ,

15  
16 *Plaintiff-Appellant,*

17  
18 -v.-

08-4810-cv(L)  
09-1229-cv(CON)

19  
20  
21 UNITED STATES FEDERAL RESERVE SYSTEM, BEN S. BERNANKE,  
22 CHAIRMAN OF THE UNITED STATES FEDERAL RESERVE SYSTEM, UNITED  
23 STATES DEPARTMENT OF THE TREASURY, TIMOTHY F. GEITHNER,\*\*  
24 SECRETARY OF THE UNITED STATES DEPARTMENT OF THE TREASURY,  
25 UNITED STATES,\*\*\*

26  
27 *Defendants-Appellees.*  
28

---

\* The Honorable Richard K. Eaton, of the United States Court of International Trade, sitting by designation.

\*\* Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Secretary of the Treasury Timothy F. Geithner is automatically substituted for former Secretary of the Treasury Henry M. Paulson, Jr., as a defendant in this case.

\*\*\* We direct the Clerk of the Court to amend the official caption as noted.

1 FOR APPELLANT: ROBERT L. SCHULZ, *pro se*, Queensbury, NY.

2  
3 FOR APPELLEES: PAULA RYAN COHEN, Assistant United States  
4 Attorney, for Andrew T. Baxter, Acting  
5 United States Attorney for the Northern  
6 District of New York, Syracuse, NY.  
7

8 Appeal from the United States District Court for the  
9 Northern District of New York (Sharpe, *J.*).

10  
11 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED**  
12 **AND DECREED** that the judgment of said district court be  
13 **AFFIRMED.**

14 Appellant appeals from a judgment of the United States  
15 District Court for the Northern District of New York  
16 (Sharpe, *J.*), which denied injunctive relief and dismissed  
17 his complaint. We assume the parties' familiarity with the  
18 underlying facts, the procedural history, and the issues  
19 presented for review.

20 We review a district court's grant of a motion to  
21 dismiss for lack of standing *de novo*. *Fulton v. Goord*, 591  
22 F.3d 37, 41 (2d Cir. 2009). With the minor exception of  
23 some First Amendment claims not at issue here, a person's  
24 status as an American citizen or taxpayer is insufficient to  
25 confer on him or her standing to bring a lawsuit seeking to  
26 hold a government action or a statute unconstitutional in  
27 the absence of an articulable injury-in-fact that is  
28 distinct from the injury suffered by all such citizens or  
29 taxpayers. *See, e.g., Hein v. Freedom From Religion Found.,*

1     *Inc.*, 551 U.S. 587, 593 (2007) (“[T]he payment of taxes is  
2     generally not enough to establish standing to challenge an  
3     action taken by the Federal Government.”); *Schlesinger v.*  
4     *Reservists Comm. to Stop the War*, 418 U.S. 208, 226-27  
5     (1974) (finding a person’s interest as a citizen “too  
6     abstract to constitute a ‘case or controversy’ appropriate  
7     for judicial resolution”). The district court was correct  
8     that Appellant does not have standing, and thus federal  
9     courts have no jurisdiction over his claims. See  
10    *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 344-45 (2006).

11           For the foregoing reasons, the judgment of the district  
12    court is hereby **AFFIRMED**.

13  
14   FOR THE COURT:  
15   Catherine O’Hagan Wolfe, Clerk  
16  
17