

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5001

September Term, 2026

1:25-cv-02886-UNA

Filed On: September 9, 2026

Garry David Gallardo,

Appellant

Dallas Weber, Jr., et al.,

Appellees

v.

Donald J. Trump, in his official capacity as
President of the United States, et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Pillard, Katsas, and Garcia, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court’s order entered December 10, 2025, be affirmed. The district court correctly concluded that appellant’s constitutional claims were so patently insubstantial as to deprive the district court of subject-matter jurisdiction. See Hagans v. Lavine, 415 U.S. 528, 537 (1974) (observing that a claim is patently insubstantial where the issue raised is “obviously frivolous” or “no longer open to discussion” (internal quotation marks omitted)); see also U.S. Const. art. III, § 2, cl. 3 (expressly contemplating that federal courts will adjudicate criminal cases); United States v. Comstock, 560 U.S. 126, 133–37 (2010) (discussing Congress’s authority to enact criminal laws).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk