

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF COLUMBIA**

JOSEPH KIRCHNER,

Plaintiff,

v.

MIKE JOHNSON, in his individual and official
capacity as Speaker of the United States House of
Representatives;

DONALD J. TRUMP, in his individual capacity as
former and current President of the United States;

PAM BONDI, in her individual and official
capacity as Attorney General of the United States;

BRENDAN CARR, in his individual and official
capacity as Chairman of the Federal

Communications Commission;

THE UNITED STATES HOUSE OF
REPRESENTATIVES;

ANTHROPIC PBC;

OPENAI, INC.;

APPLE INC.;

COMCAST CABLE COMMUNICATIONS, LLC;

METR (MODEL EVALUATION & THREAT
RESEARCH);

and DOES 1-20, unknown co-conspirators,

Defendants.

Case No. 1:25-cv-02735-ACR

**MOTION AND PROPOSED
ORDER FOR
ALTERNATIVE SERVICE
UPON PRESIDENT TRUMP**

3
4 **I. Introduction**

5 **1.** Plaintiff Joseph Kirchner, proceeding pro se, respectfully moves this Court for
6 an order authorizing alternative service upon Defendant Donald J. Trump, President of
7 the United States, or in the alternative, for a finding that service has been adequately
8 completed through service upon the United States. In support thereof, Plaintiff states
9 as follows.

1 United States (Tracking Number: 9589 0710 5270 2952 1967 08). Delivery was
2 confirmed on March 3, 2026.

3 8. Service upon the United States is therefore complete.

4 **B. First Attempt: White House (Failed)**

5 9. Pursuant to Fed. R. Civ. P. 4(i)(2), Plaintiff sent the summons and complaint
6 directly to President Trump at The White House, 1600 Pennsylvania Avenue NW,
7 Washington, DC 20500 (Tracking Number: 9589 0710 5270 2952 1967 84).

8 10. USPS tracking records indicate that delivery was first attempted on March 3,
9 2026, at 12:16 PM, but was unsuccessful because "the business was closed." USPS
10 indicated "Redelivery Scheduled for Next Business Day."

11 11. As of March 16, 2026, thirteen days have elapsed since the initial delivery
12 attempt. The mailing has neither been delivered nor returned to Plaintiff. It is likely en
13 route back to Plaintiff.

14 12. USPS tracking history and mailing documentation are attached hereto as
15 Exhibit 2.

16 **C. Second Attempt: White House Counsel's Office (March 9, 2026)**

17 13. On March 9, 2026, Plaintiff sent a second mailing to the White House
18 Counsel's Office at 1600 Pennsylvania Avenue NW, Washington, DC 20500 via USPS
19 Certified Mail with Return Receipt Requested (Tracking Number: 9589 0710 5270
20 3072 2192 30).

1 **14.** The White House Counsel's Office serves as legal counsel to the President in
2 his official capacity and routinely accepts legal process on behalf of the Office of the
3 President.

4 **15.** USPS tracking records indicate that delivery was attempted but was
5 unsuccessful because "the business was closed." As of March 16, 2026, this mailing
6 remains undelivered and is likely en route back to Plaintiff.

7 **D. Third Attempt: White House (March 10, 2026)**

8 **16.** On March 10, 2026, Plaintiff sent a third mailing to President Trump at The
9 White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500 via USPS
10 Certified Mail with Return Receipt Requested (Tracking Number: 9589 0710 5270
11 1986 7708 61).

12 **17.** USPS tracking records indicate that delivery was attempted but was
13 unsuccessful because "the business was closed." As of March 16, 2026, this mailing
14 remains undelivered and is likely en route back to Plaintiff.

15 **18.** Copies of the mailing receipts for all three attempts are included in Exhibit 2.
16 Screenshots documenting the failed delivery attempts are included on pages 14, 15, and
17 30 of Exhibit 2.

III. LEGAL ARGUMENT

A. Service Upon the United States Has Been Completed

19. Federal Rule of Civil Procedure 4(i)(1) requires that to serve the United States, a party must serve both the U.S. Attorney for the district and the Attorney General. Plaintiff has done so. Both mailings were delivered on March 3, 2026.

20. Federal Rule of Civil Procedure 4(i)(2) provides that to serve a federal officer "sued only in an official capacity," a party must "serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee."

21. Plaintiff has served the United States and has made multiple good-faith attempts to mail copies directly to President Trump. The only issue is whether Plaintiff's unsuccessful attempts defeat service.

B. Courts Have Authority to Order Alternative Service

22. Federal courts possess inherent authority to fashion appropriate relief to ensure effective service of process. *See* Fed. R. Civ. P. 4(e)(1) (incorporating state law service methods); *see also Rio Properties, Inc. v. Rio Int'l Interlink*, 284 F.3d 1007, 1016 (9th Cir. 2002) (courts have "broad discretion to authorize other means of service" under appropriate circumstances).

23. Alternative service is particularly appropriate where traditional methods have proven ineffective and the defendant has actual notice of the litigation. Here, the

1 Department of Justice—which represents the President in his official capacity—has
2 received service and is aware of this litigation.

3 **C. The President Has Actual Notice Through His Legal Representatives**

4 **24.** The Department of Justice represents the President of the United States in all
5 civil litigation arising from his official duties. *See* 28 U.S.C. § 516 ("Except as
6 otherwise authorized by law, the conduct of litigation in which the United States, an
7 agency, or officer thereof is a party... is reserved to officers of the Department of
8 Justice.").

9 **25.** Because the Attorney General has been served, the Department of Justice is
10 on notice of this action and will be representing President Trump in his official
11 capacity. The purpose of service—to provide notice and an opportunity to defend—
12 has been satisfied.

13 **26.** Under these circumstances, rigid adherence to the technical requirements of
14 Rule 4(i)(2) would serve no practical purpose while potentially allowing a defendant to
15 evade service through the simple expedient of refusing to accept mail.

16 **D. Plaintiff's Claims Create Inherent Concerns Regarding Service Evasion**

17 **27.** Plaintiff's Complaint alleges, inter alia, that his communications and legal
18 work product are being monitored in real time by government actors and private
19 entities acting in coordination with government officials.

20 **28.** Given the nature of these allegations, Plaintiff has reasonable concerns that
21 the failure to complete delivery to the White House may not be coincidental. The

1 White House mail facility is a continuously operating federal installation; the
2 explanation that "the business was closed" on a Tuesday afternoon is facially
3 implausible.

4 **29.** Moreover, the fact that the mailing has remained in limbo for thirteen days—
5 neither delivered nor returned—is highly unusual for certified mail to a federal facility.
6 Standard USPS procedure would result in either successful redelivery or return to
7 sender within a few business days.

8 **30.** Whether or not such concerns are founded, the Court should not permit
9 technical service requirements to become a mechanism for evasion.

10 **E. Rule 4(I)(4) Requires the Court to Allow Time to Cure**

11 **31.** Federal Rule of Civil Procedure 4(i)(4) provides: "The court must allow a
12 party a reasonable time to cure its failure to... serve a person required to be served
13 under Rule 4(i)(2), if the party has served either the United States attorney or the
14 Attorney General of the United States."

15 **32.** Plaintiff has served both. Accordingly, the Court must allow Plaintiff a
16 reasonable time to cure any defect in service upon President Trump directly.

17 **33.** All three mailings have now failed with the same explanation—"the business
18 was closed." Plaintiff submits that the most efficient cure is for the Court to authorize
19 alternative service or find that service is adequate.

IV. PROPOSED ALTERNATIVE SERVICE METHODS

34. Should the Court grant this Motion, Plaintiff respectfully proposes that service upon President Trump may be effected by any of the following methods:

35. Option A: A finding that service upon the Department of Justice satisfies Rule 4(i)(2) for the President in his official capacity, given that DOJ will be representing him in this litigation.

36. Option B: Service upon the Department of Justice, Civil Division, at 950 Pennsylvania Avenue NW, Washington, DC 20530.

37. Option C: Service by the United States Marshals Service pursuant to court order.

V. Conclusion

38. Plaintiff has made three good-faith attempts to comply with all service requirements. Service upon the United States is complete. All three attempts to serve President Trump directly at the White House (February 26, March 9, and March 10, 2026) have been unsuccessful.

39. The Department of Justice is on notice of this litigation and will be representing the President. The purpose of service has been achieved.

WHEREFORE, Plaintiff respectfully requests that this Court:

(a) Enter an order authorizing alternative service upon President Trump through the Department of Justice or the United States Marshals Service;

(b) In the alternative, enter an order finding that service upon the United States satisfies Rule 4(i) for Plaintiff's official capacity claims against President Trump; and

(c) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Joseph Kirchner
Joseph Kirchner
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Edina, MN 55435
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Plaintiff, Pro Se

Dated: March 17, 2026

EXHIBITS

Exhibit 1: Proof of Service

Exhibit 2: USPS Tracking Confirmations and Mailing Documentation

VI. CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule 7(m), the undersigned certifies that no counsel has entered an appearance on behalf of Defendant Donald J. Trump in this action. Accordingly, there is no opposing counsel with whom to confer regarding this Motion. The Department of Justice, which will represent President Trump in his official capacity, has been served but has not yet filed a notice of appearance.

/s/ Joseph Kirchner
Joseph Kirchner
Plaintiff, Pro Se

Dated: March 17, 2026

VII. CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification to:

Counsel for Defendant OpenAI, Inc.:

Benjamin Margo (D.D.C. Bar No. 110445)
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/s/ Joseph Kirchner

Joseph Kirchner
Plaintiff, Pro Se

Dated: March 17, 2026

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOSEPH KIRCHNER,

Plaintiff,

v.

MIKE JOHNSON, in his individual and official capacity as Speaker of the United States House of Representatives;
DONALD J. TRUMP, in his individual capacity as former and current President of the United States;
PAM BONDI, in her individual and official capacity as Attorney General of the United States;
BRENDAN CARR, in his individual and official capacity as Chairman of the Federal Communications Commission;
THE UNITED STATES HOUSE OF REPRESENTATIVES;
ANTHROPIC PBC;
OPENAI, INC.;
APPLE INC.;
COMCAST CABLE COMMUNICATIONS, LLC;
METR (MODEL EVALUATION & THREAT RESEARCH);
and DOES 1-20, unknown co-conspirators,
Defendants.

**Case No. 1:25-cv-02735-ACR
[PROPOSED] ORDER
GRANTING MOTION FOR
ALTERNATIVE SERVICE**

FINDINGS

This matter comes before the Court on Plaintiff's Motion for Alternative Service Upon Defendant Donald J. Trump, Or in the Alternative, for Finding of Adequate Service.

The Court, having reviewed the Motion, supporting exhibits, and the record herein, finds as follows:

1. Plaintiff has complied with Federal Rule of Civil Procedure 4(i)(1) by serving the United States through both the Civil Process Clerk at the U.S. Attorney's Office for

1 the District of Columbia and the Attorney General of the United States. Delivery of
2 both mailings was confirmed on March 3, 2026.

3 2. Plaintiff made three good-faith attempts to serve President Trump directly at
4 the White House pursuant to Federal Rule of Civil Procedure 4(i)(2): (a) February 26,
5 2026; (b) March 9, 2026; and (c) March 10, 2026. All three mailings via USPS
6 Certified Mail remain undelivered.

7 3. The Department of Justice represents the President of the United States in
8 civil litigation arising from his official duties pursuant to 28 U.S.C. § 516.

9 4. Service upon the Attorney General has provided actual notice of this litigation
10 to the Department of Justice, which will represent President Trump in his official
11 capacity.

12 5. The purpose of service of process—to provide notice and an opportunity to
13 defend—has been satisfied through service upon the United States.

14 **CONCLUSIONS**

15 Federal Rule of Civil Procedure 4(i)(4) requires the Court to allow a party reasonable
16 time to cure any failure to serve a person required to be served under Rule 4(i)(2),
17 provided the party has served the United States Attorney or the Attorney General.
18 Plaintiff has served both.

19 Under the circumstances presented, where Plaintiff has made multiple good-faith
20 attempts to effect service by certified mail and the Department of Justice has actual
21 notice of this litigation, the Court concludes that alternative service is appropriate.

ORDER

IT IS HEREBY ORDERED that Plaintiff's Motion for Alternative Service is
GRANTED; and it is further
ORDERED that service upon Defendant Donald J. Trump in his official capacity is
deemed effective by the following method:

[] **Option A:** Service upon the United States through the Civil Process Clerk at the
U.S. Attorney's Office for the District of Columbia and the Attorney General of the
United States, which has been completed, satisfies the requirements of Fed. R. Civ.
P. 4(i) for Plaintiff's official capacity claims against President Trump.

[] **Option B:** Plaintiff may effect service upon President Trump by serving the
Department of Justice, Civil Division, at 950 Pennsylvania Avenue NW, Washington,
DC 20530, via certified mail.

[] **Option C:** The United States Marshals Service is hereby directed to serve the
summons and complaint upon President Trump at the White House, 1600 Pennsylvania
Avenue NW, Washington, DC 20500.

SO ORDERED.

Dated: _____

HON. ANA C. REYES
United States District Judge

PERSONS TO BE NOTIFIED OF ENTRY:

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1

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