

# Trump's fight to lift Twitter ban sputters in court hearing

February 25 2022, by Malathi Nayak

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Former President Donald Trump's claim that Twitter Inc. was pressured

by lawmakers to kick him off the social media platform was met with skepticism by a judge.

U.S. District Judge James Donato questioned Trump's argument that the company violated his free-speech rights by suspending his account at the behest of lawmakers.

"I read, reread and read again your complaint and I'm not seeing any coercive statements by [state actors](#) and that is the hook you are hanging your hat on," Donato said at the hearing in San Francisco over Twitter's request to throw out Trump's lawsuit seeking his reinstatement.

Twitter permanently suspended Trump after a mob of his supporters raided the U.S. Capitol to prevent the certification of Joe Biden as winner of the 2020 presidential election. Trump is also fighting bans or suspensions from Meta Platforms Inc.'s Facebook and Alphabet Inc.'s YouTube, accusing the tech giants of trying to silence conservative views and violating his free-speech rights.

Twitter urged the judge to dismiss the lawsuit arguing that it's a private actor that is not limited by the federal constitution.

Statements by lawmakers in Trump's complaint merely show "haranguing" or "jawboning" by legislators that's "not the stuff of coercive actions," Twitter's attorney Patrick Carome said.

Trump's lawyer, Marie Fiala, argued that Twitter is a "state actor" because certain lawmakers "demanded" the company censor speech, specifically by Trump, or risk losing immunity from being sued over user-generated content that was granted to internet companies by a 1996 law.

"The threat factor there is pretty low," Donato told Fiala. He asked her

for examples where officials may have taken steps like "criminal sanctions" or other actions that would amount to "an express threat of government prosecution."

Fiala said she could amend and refile the complaint to add additional facts to support Trump's free-speech rights claim, if given a chance to do so.

Donato said he would issue a ruling on Twitter's request to dismiss the suit without specifying a time frame.

Trump's Twitter-like social-media platform—"Truth Social"—debuted Feb. 21 with a glitchy start as users complained of receiving error messages and being placed on waiting lists that had hundreds of thousands of people ahead of them. His company, the Trump Media & Technology Group, is led by former Representative Devin Nunes, a Republican from California.

The case is Trump v. Twitter, 3:21-cv-08378, U.S. District Court for the Northern District of California (San Francisco).

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Citation: Trump's fight to lift Twitter ban sputters in court hearing (2022, February 25) retrieved 18 April 2024 from <https://techxplore.com/news/2022-02-trump-twitter-sputters-court.html>

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