

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5121

September Term, 2017

1:17-cv-00720-UNA

Filed On: April 25, 2018

Radcliffe Bancroft Lewis,

Appellant

v.

United States of America and District of
Columbia,

Appellees

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

BEFORE: Henderson, Griffith, and Srinivasan, 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 briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the motion for leave to file appendix and the response thereto, it is

ORDERED that the motion for leave to file be granted. See D.C. Cir. Rules 24(b), 30(e). It is

FURTHER ORDERED AND ADJUDGED that the district court's order filed April 19, 2017 be affirmed. Appellant seeks recusal of the district court judge based on his handling of this and prior cases, but "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion," Liteky v. United States, 510 U.S. 540, 555 (1994), and appellant has not alleged any credible basis for finding the district court judge has any personal bias against him or the judge's impartiality might reasonably be questioned, see 28 U.S.C. §§ 144, 455.

Dismissal for lack of jurisdiction was proper because appellant lacks standing to bring his claims. Appellant alleges that appellees deprived his family of the proceeds of a winning lottery ticket and failed to properly investigate and adjudicate his claims arising therefrom. But the ticket in question was allegedly purchased by appellant's mother, and appellant has not demonstrated that "an injury to a cognizable interest" has

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occurred and he is “himself among the injured,” Lujan v. Defenders of Wildlife, 504 U.S. 555, 563 (1992), or that he has standing to bring suit on his mother’s behalf.

Appellant also claims he has suffered injury due to the appellees’ defamation of his mother. However, an injury in fact must be “an invasion of a legally protected interest,” Lujan, 504 U.S. at 560, and District of Columbia law defines defamation to include only “a false and defamatory statement concerning the plaintiff,” Rosen v. Am. Israel Pub. Affairs Comm., Inc., 41 A.3d 1250, 1256 (D.C. 2012). Appellant identifies no authority suggesting that defamation of his mother infringes his own legal rights.

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 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