

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5374**September Term, 2018****1:18-cv-02573-JEB****Filed On: June 7, 2019**

Juan Pablo Chavez,

Appellant

v.

U.S. Copyright Office,

Appellee

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

BEFORE: Tatel and Millett, Circuit Judges, and Sentelle, Senior Circuit Judge

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 the appellant, which includes a request to use electronic filing. 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, filed December 11, 2018, be affirmed. The district court properly dismissed appellant's case without prejudice for lack of subject matter jurisdiction because the claims are "patently insubstantial," presenting no federal question suitable for decision." Tooley v. Napolitano, 586 F.3d 1006, 1009 (D.C. Cir. 2009) (quoting Best v. Kelly, 39 F.3d 328, 330 (D.C. Cir. 1994)). To the extent appellant's complaint can be construed as a challenge to the U.S. Copyright Office's determination on his copyright application, dismissal of the complaint was proper because it failed to provide "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a); see Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 n.3 (2007) (complaint must identify the "circumstances, occurrences, and events" that support the claim for relief, in order to "provid[e] not only fair notice of the nature of the claim, but also grounds on which the claim rests") (citation and internal quotation marks omitted). The dismissal of this case without prejudice allows appellant to file a new complaint that sets forth the basis for his claims. See Ciralsky v. CIA, 355 F.3d 661, 671 (D.C. Cir. 2004). It is

FURTHER ORDERED that, in light of the disposition of the appeal, the request for electronic filing access be dismissed as moot.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk