

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-7002

September Term, 2017

1:16-cv-00569-JEB

Filed On: May 24, 2018

Gerald Henneghan and T.H., by his Father
Gerald Henneghan,

Appellants

v.

Muriel Bowser, Mayor of the District of
Columbia, et al.,

Appellees

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

BEFORE: Griffith and Srinivasan, Circuit Judges, and Ginsburg, 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 appellants. 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 November 30, 2017, denying appellants' "Emergency Motion for Return of His Child," be affirmed. The emergency motion challenged a district court order construing appellants' purported habeas petition as a civil action and dismissing the case without prejudice after they failed to pay the appropriate filing fee or file a motion for leave to proceed in forma pauperis. Because this court previously affirmed that order, see Henneghan by Henneghan v. Bowser, 692 Fed. App'x 1 (Mem.) (D.C. Cir. 2017), consideration of appellants' claims is barred by the law-of-the-case doctrine. According to this doctrine, "the same issue presented a second time in the same case in the same court should lead to the same result." LaShawn A. v. Barry, 87 F.3d 1389, 1393 (D.C. Cir. 1996) (emphasis removed). When there are multiple appeals in a civil action, the doctrine holds that "decisions rendered on the first appeal should not be revisited on later trips to the appellate court." Id. (quoting Crocker v. Piedmont Aviation, Inc., 49 F.3d 735, 739 (D.C. Cir. 1995)).

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Appellants also seek recusal of the district court judge based on his handling of this case, 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 (1995), and appellants have not alleged any credible basis for finding the district court judge has any personal bias against them or the judge’s impartiality might reasonably be questioned, see 28 U.S.C. §§ 144, 455.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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