

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5019**September Term, 2020****1:19-cv-01788-UNA****Filed On:** October 5, 2020

Benjamin Cunningham,

Appellant

v.

Administrative Office of the United States
Courts, et al.,

Appellees

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

BEFORE: Henderson and Tatel, 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 amended brief filed by appellant. 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 January 2, 2020, be affirmed. The notice of appeal is timely only as to the order denying reconsideration. See Fed. R. App. P. 4(a)(1)(B), (a)(4)(a). Appellant has not shown that the district court abused its discretion in denying his motion for reconsideration of the order dismissing the case as duplicative of an amended complaint filed by appellant in a separate lawsuit. See Owens v. Republic of Sudan, 864 F.3d 751, 818 (D.C. Cir. 2017); see also Zerilli v. Evening News Ass'n, 628 F.2d 217, 222 (D.C. Cir. 1980) ("[A] plaintiff has no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.") (citation and internal quotation marks omitted).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

Daniel J. Reidy
Deputy Clerk