

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5302**September Term, 2022****1:21-cv-02242-APM****Filed On:** October 6, 2022

Kenneth W. Jones,

Appellant

v.

United States of America, et al.,

Appellees

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

BEFORE: Pillard and Rao, 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 briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, appellant's addendum to his reply brief, the motion to appoint counsel, and the motion for default judgment and the response thereto, it is

ORDERED that the motion to appoint counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

FURTHER ORDERED that the motion for default judgment be denied. It is

FURTHER ORDERED AND ADJUDGED that the district court's order filed October 25, 2021, be affirmed. Appellant has not raised any argument regarding the merits of the district court's dismissal and thus has forfeited any such challenge. See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004). Moreover, even liberally construing his filings, appellant has not shown any error in the dismissal of his action based on his failure to comply with the pre-filing procedures set forth in an order of the United States District Court for the Northern District of Ohio, Jones v. United States, No. 03-cv-1597 (N.D. Ohio Oct. 15, 2003). Cf. Martin-Trigona v. United States, 779 F.2d 72, 73 (D.C. Cir. 1985) (per curiam) (affirming district court's

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denial of leave to file complaint based on litigant's failure to comply with filing injunction entered by United States District Court for the District of Connecticut).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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