

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-7123

September Term, 2022

FILED ON: NOVEMBER 7, 2022

J. H. C., BY HIS FATHER AND NEXT FRIEND: JOHN HARRISON CLARKE,
APPELLANT

v.

DISTRICT OF COLUMBIA, ET AL.,
APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 1:20-cv-01761)

Before: SRINIVASAN, *Chief Judge*, PILLARD, *Circuit Judge*, and SENTELLE, *Senior Circuit Judge*

J U D G M E N T

This case was considered on the record from the United States District Court for the District of Columbia and the briefs of the parties. The Court has accorded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. Cir. R. 36(d). For the reasons set forth below, it is

ORDERED AND ADJUDGED that the judgment of the district court dismissing the complaint of Appellant for lack of jurisdiction be affirmed. As to Appellant's First Amendment retaliation claim against the individual defendants, we affirm on the separate ground that while Appellant showed injury to support Article III standing, his claim plainly fails on the merits. *See* Appellees' Br. 33-41. Because this is *de novo* review of a decision on a motion to dismiss, we can reach the same result on a different basis. *Sec. & Exch. Comm'n v. Chenery Corp.*, 318 U.S. 80, 88 (1943) ("[I]n reviewing the decision of a lower court, it must be affirmed if the result is correct although the lower court relied upon a wrong ground or gave a wrong reason." (internal quotation marks and citation omitted)).

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Pursuant to Rule 36 of this Court, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after the disposition of any timely petition for rehearing or petition for rehearing *en banc*. See Fed R. App. P. 41(b); D.C. Cir. R. 41.

Per Curiam**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy

Deputy Clerk