

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5007

September Term, 2021

1:21-mc-00124-UNA

Filed On: March 18, 2022

John S. Barth,

Appellant

v.

United States, 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 brief and appendix filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing and the motion for leave to file appendix under seal, it is

ORDERED AND ADJUDGED that the district court's order filed November 17, 2021 be affirmed. Appellant has not shown that the district court abused its discretion in denying the amended motion to file the complaint under seal. EEOC. v. Nat'l Children's Ctr., Inc., 98 F.3d 1406, 1409 (D.C. Cir. 1996). There is a "strong presumption in favor of public access to judicial proceedings." United States v. Hubbard, 650 F.2d 293, 317 (D.C. Cir. 1980). Appellant has not demonstrated that his privacy interests in this case overcome that presumption. See id. at 317-322 (discussing factors to be weighed in considering a motion to seal court records). Nor has appellant shown that sealing is warranted under the False Claims Act, 31 U.S.C. § 3729 et seq. Lastly, appellant has provided no basis for this court to order certain federal agencies to conduct an investigation. It is

FURTHER ORDERED that the motion for leave to file appendix under seal be denied. To the extent the appendix consists of documents that were publicly filed in the district court, sealing is not warranted. And to the extent the appendix contains documents that have not previously been made public, for the reasons provided above, appellant has not shown that sealing is warranted.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

Michael C. McGrail

Deputy Clerk