

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-7025**September Term, 2021****1:22-cv-00213-UNA****Filed On: June 15, 2022**

Robert W. Johnson,

Appellant

v.

Thomas P. Dinapoli, et al.,

Appellees

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

BEFORE: Katsas 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 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 February 18, 2022 order be affirmed. Appellant has not raised any argument regarding the merits of the district court's dismissal and thus has forfeited any such argument. See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004) ("Ordinarily, arguments that parties do not make on appeal are deemed to have been waived."). In any event, the district court did not abuse its discretion in dismissing the complaint without prejudice for failure to comply with the pleading standards of Federal Rule of Civil Procedure 8(a). See Ciralsky v. CIA, 355 F.3d 661, 669-71 (D.C. Cir. 2004). That rule requires "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. R. Civ. P. 8(a), and appellant's complaint states no discernible claim under the Racketeer Influenced and Corrupt Organizations Act or otherwise. See W. Assocs. Ltd. P'ship, ex rel. Ave. Assocs. Ltd. P'ship v. Mkt. Square Assocs., 235 F.3d 629, 633 (D.C. Cir. 2001). Additionally, appellant was not entitled to default judgment. See 28 U.S.C. § 1915(e)(2)(B)(ii) (requiring district court to sua sponte dismiss "at any time" complaint of a litigant proceeding IFP if the complaint fails to state a claim upon which relief could be granted). Moreover, appellees were not required to file a brief on appeal because the Clerk directed only appellant to file a brief.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-7025

September Term, 2021

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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