

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5132**September Term, 2023****1:21-cv-02422-UNA****Filed On:** October 31, 2023

Larry E. Starks, Jr.,

Appellant

v.

United States Sentencing Commission and
United States of America,

Appellees

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

BEFORE: Wilkins, Katsas, and Walker, Circuit Judges

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 January 19, 2023 and April 19, 2023 orders be affirmed. Appellant has failed to show that the district court abused its discretion by denying his motions for relief under Federal Rule of Civil Procedure 59 and 60, both of which raised versions of the arguments that this court previously rejected. See Starks v. U.S. Sentencing Comm'n, No. 21-5281, 2022 WL 2160910, at *1 (D.C. Cir. June 15, 2022), cert. denied, 143 S. Ct. 434 (2022); see also Messina v. Krakower, 439 F.3d 755, 759 (D.C. Cir. 2006) (denials of Rule 59(e) motions are reviewed for abuse of discretion); Smalls v. United States, 471 F.3d 186, 191 (D.C. Cir. 2006) (denials of Rule 60 motions are reviewed for abuse of discretion).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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