

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5177**September Term, 2023****1:23-cv-02047-UNA****Filed On:** November 27, 2023

Gregory Joseph Podlucky and Karla Sue
Podlucky,

Appellants

v.

United States of America,

Appellee

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

BEFORE: Henderson, Pillard, and Pan, 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 appellants. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed July 26, 2023 be affirmed. 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), which requires "a short and plain statement of the claim showing that the pleader is entitled to relief." See Fed. R. Civ. P. 8(a); Ciralsky v. CIA, 355 F.3d 661, 669-71 (D.C. Cir. 2004). Additionally, the district court correctly concluded that venue was improper in the District of Columbia. See 28 U.S.C. § 1402(b) (venue for tort claims against the United States is proper "only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred").

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

Daniel J. Reidy

Deputy Clerk