

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5252**September Term, 2023****1:23-cv-02548-BAH****Filed On:** February 16, 2024

Russell Terry,

Appellant

v.

Federal Bureau of Investigation and Bureau
of Consular Affairs,

Appellees

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

BEFORE: Katsas, Rao, and Garcia, 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 September 12, 2023 order dismissing appellant's complaint be affirmed. The district court did not err in concluding that appellant's claims were "so attenuated and unsubstantial as to be absolutely devoid of merit." Ord v. Dist. of Columbia, 587 F.3d 1136, 1144 (D.C. Cir. 2009) (quoting Hagans v. Lavine, 415 U.S. 528, 536 (1974)). And while appellant has not demonstrated that the district court erred by construing his filing as a complaint and opening the case, a dismissal for lack of jurisdiction is without prejudice. See Havens v. Mabus, 759 F.3d 91, 98 (D.C. Cir. 2014) (citing Semtek Int'l Inc. v. Lockheed Martin Corp., 531 U.S. 497, 505 (2001)).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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