

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5022

September Term, 2019

1:19-cv-03021-UNA

Filed On: June 3, 2020

Matthew Curry,

Appellant

v.

United States of America,

Appellee

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

BEFORE: Henderson 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). Upon consideration of the foregoing and the motion for stay pending appeal, it is

ORDERED AND ADJUDGED that the district court's orders filed November 12, 2019, and January 10, 2020, be affirmed. The district court correctly dismissed without prejudice appellant's complaint and case against the United States, and appellant has not identified any valid basis for jurisdiction. See Fed. R. Civ. P. 8(a)(1) ("A pleading that states a claim for relief must contain a short and plain statement of the grounds for the court's jurisdiction . . ."); United States v. Mitchell, 463 U.S. 206, 212 (1983) ("It is axiomatic that the United States may not be sued without its consent and that the existence of consent is a prerequisite for jurisdiction."). Nor has appellant shown that the district court abused its discretion in denying his motion for relief from judgment. See Owens v. Republic of Sudan, 864 F.3d 751, 818 (D.C. Cir. 2017). It is

FURTHER ORDERED that the motion for stay pending appeal be dismissed as moot.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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