

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5243

September Term 2010

1:10-cv-00753-RBW

Filed On: November 8, 2010

John T. Pickering-George,

Appellant

v.

Alcohol And Tobacco Tax And Trade Bureau,
et al.,

Appellees

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

BEFORE: Sentelle, Chief Judge; and Rogers and Kavanaugh, 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 orders filed May 17, 2010, and June 9, 2010, be affirmed. The district court correctly determined appellant failed to state a claim under the Freedom of Information Act, 5 U.S.C. § 552(a)(4)(B), or for mandamus relief, see *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 289 (1988). Moreover, the district court did not abuse its discretion in denying as futile appellant's motion to amend the complaint. See *Foman v. Davis*, 371 U.S. 178, 182 (1962).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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