

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5011

September Term, 2017

1:17-cv-02290-UNA

Filed On: May 29, 2018

Clarence Otworth,

Appellant

v.

Donald J. Trump,

Appellee

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

BEFORE: Griffith and Srinivasan, 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 briefs 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 order filed December 12, 2017, be affirmed. Appellant’s notice of appeal filed in district court brought the case before this court. See Fed. R. App. P. 3(a)(1) (an appeal “from a district court to a court of appeals may be taken only by filing a notice of appeal with the district clerk”). Appellant asserts that he is not proceeding in forma pauperis because he is not a prisoner, and therefore the district court applied the incorrect standard of review in dismissing his complaint. To the contrary, the statute authorizing proceedings in forma pauperis applies to all litigants who elect to proceed without prepayment of fees or costs and requires dismissal of any action that the court determines to be frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i). Appellant has not demonstrated any error in the district court’s dismissal of his complaint on the ground that it was frivolous, because it lacks an arguable basis in law or fact. Nietzke v. Williams, 490 U.S. 319, 325 (1989).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

Ken Meadows

Deputy Clerk