

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5247

September Term, 2018

1:18-cv-01172-UNA

Filed On: December 21, 2018

Andrew U.D. Straw, Esquire,

Appellant

v.

United States of America,

Appellee

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

BEFORE: Tatel 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 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 motions to supplement the record, it is

ORDERED that the motions to supplement the record be denied. The proffered material is not relevant to the disposition of this appeal. It is

FURTHER ORDERED AND ADJUDGED that the district court's orders filed May 31, 2018, and July 10, 2018, be affirmed. Contrary to appellant's contention on appeal, his damages claim against the United States is barred by sovereign immunity. FDIC v. Meyer, 510 U.S. 471, 478 (1994) (stating that the United States "has not rendered itself liable under [the Federal Tort Claims Act] for constitutional tort claims."). Appellant's claim for declaratory relief, which apparently seeks a declaration that the statute that created the Seventh Circuit Court of Appeals is unconstitutional as applied, is frivolous. See Neitzke v. Williams, 490 U.S. 319, 325 (1989) ("a complaint . . . is frivolous where it lacks an arguable basis either in law or in fact"). The district court did not abuse its

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discretion in denying reconsideration of the dismissal order. See Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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