

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-7055

September Term, 2019

1:19-cv-01332-UNA

Filed On: November 5, 2019

Kevin Fennick,  
Appellant

v.

Commonwealth of Massachusetts,  
Appellee

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

**BEFORE:** Millett and Pillard, 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 the appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the motion styled as an “Emergency Motion Opposition,” it is

**ORDERED** that the motion be denied. It is

**FURTHER ORDERED AND ADJUDGED** that the district court’s May 17, 2019 and July 24, 2019 orders be affirmed. The district court properly dismissed appellant’s case without prejudice because appellant’s complaint failed to provide “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a); see Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009). The district court also correctly denied appellant’s motion for reconsideration pursuant to Federal Rule of Civil Procedure 60(b) because appellant failed to show that his “underlying claims have at least some merit.” Thomas v. Holder, 750 F.3d 899, 902 (D.C. Cir. 2014).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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