

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 00-7079

September Term, 2000

98cv00626

Filed On: November 16, 2000

[556900]

Pasquale Gregory Fazzari,  
Appellant

v.

The Inter-American Development Bank and Enrique  
Iglesias, President of the Inter-American Development  
Bank,

Appellees

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

**BEFORE:** Ginsburg, Rogers, and Tatel, 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 briefs filed by the parties. The court has determined that the issues presented occasion no need for a published opinion. See Fed. R. App. P. 36; D.C. Cir. Rule 36(b). It is

**ORDERED AND ADJUDGED** that the district court's order filed February 23, 2000 be affirmed substantially for the reasons stated by the district court in its memorandum opinion filed February 23, 2000. To the extent appellant argues that his status as a retiree distinguishes his claim from those that arise out of an employment relationship, we reject that. Cf. Broadbent v. Organization of American States, 628 F.2d 27 (D.C. Cir. 1980). Appellant's attempt to invoke the commercial activity exception of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605(a)(2), is unavailing, as this court has held that the exceptions of the Foreign Sovereign Immunities Act do not limit the immunity provisions of the International Organizations Immunities Act, 22. U.S.C. §§ 288-288k. See Atkinson v. Inter-American Development Bank, 156 F.3d 1335, 1342 (D.C. Cir. 1998).

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The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition 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:

Deputy Clerk/LD