

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-5176

September Term, 2003

03cv01636

Filed On: September 16, 2004

[848275]

Phillip Westel Sedgwick,
Appellant

v.

United States of America,
Appellee

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

BEFORE: Ginsburg, Chief Judge, and Sentelle and Garland,
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, the briefs filed by the parties, and the Rule 28(j) citation of supplemental authority. 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 February 18, 2004 be affirmed to the extent that it dismissed appellant's due process claims. The court correctly held that appellant lacks standing to pursue these claims in light of his settlement of the RICO action giving rise to the claims and his failure to establish that the FBI's discretionary decision not to investigate the conduct of that action invades a legally protected interest. See generally *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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