

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 06-5355**

**September Term, 2007**

**06cv01509**

**Filed On: October 1, 2007** [1070551]

Lester Jon Ruston,  
Appellant

v.

Mark R. Vukelich,  
Appellee

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

**BEFORE:** Henderson, Griffith, and Kavanaugh,  
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 brief filed by appellant and the supplement thereto. 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 on October 13, 2006 be affirmed. The district court did not abuse its discretion in dismissing appellant's complaint without prejudice, and appellant did not appeal the denial of the Rule 59(e) motion in which he sought leave to file an amended complaint.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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