

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 08-5200**

**September Term 2008**

**1:08-cv-00958-UNA**

**Filed On:** October 30, 2008

Larbi Semiani,

Appellant

v.

U.S. Embassy in Algiers, Algeria,

Appellee

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

**BEFORE:** Sentelle, Chief Judge, and Tatel and Griffith, 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. 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 June 5, 2008, be affirmed. The district court did not abuse its discretion by dismissing appellant's case without prejudice on the ground that the complaint did not meet the requirements of Fed. R. Civ. P. 8(a). See *Ciralsky v. CIA*, 355 F.3d 661, 668-71 (D.C. Cir. 2004). That rule requires "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. R. Civ. P. 8(a), in order to "give the defendant fair notice of what the ... claim is and the grounds upon which it rests." Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1964-65 (2007) (citations omitted). The dismissal without prejudice allows appellant to file a new complaint that meets the requirements of Rule 8(a). See *Ciralsky*, 355 F.3d at 669-70.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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