

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-5084

September Term 2009

1:09-cv-00360-UNA

Filed On: February 12, 2010

Lowell B. Long,

Appellant

v.

Steven D. Bolton and Anthony Scarpelli, US
Attorneys Office,

Appellees

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

BEFORE: Ginsburg, Henderson, and Rogers, 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. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED that the motion for appointment of counsel be denied. With the exception of defendants appealing or defending in criminal cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

FURTHER ORDERED AND ADJUDGED that the district court's order filed February 24, 2009, be affirmed. Appellant has not claimed or shown that the failure to notify him of the February 2008 hearing caused the revocation of his probation or his ensuing incarceration. See Hartman v. Moore, 547 U.S. 250, 257 n.5 (2006) (plaintiff bringing suit under Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), must plead and prove that constitutional violation caused the harm he alleges).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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