

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5209

September Term 2010

1:10-cv-00806-UNA

Filed On: December 3, 2010

Janet Marcusse,
Appellant

v.

Barack Obama, President of the United
States, et al.,
Appellees

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

BEFORE: Sentelle, Chief Judge, and Garland and Brown, 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 the 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 May 17, 2010, be affirmed. The district court correctly held that appellant failed to state a facially plausible claim for relief. See *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949-50 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)). To the extent appellant's complaint sounds in habeas, appellant has not met the standard for a certificate of appealability. See 28 U.S.C. § 2253(c); see also *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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