

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-5058

September Term 2011

1:11-cv-02039-UNA

Filed On: April 6, 2012

Bernard Sheldon Levi,

Appellant

v.

Jonathan B. Jarvis, United States Park
Service, and Richard Sarles, General
Manager Chief Executive Officer, Metro
Transit Authority,

Appellees

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

BEFORE: Sentelle, Chief Judge, and Brown 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 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 December 23, 2011, be affirmed. The district court did not abuse its discretion by declining to reinstate appellant's civil action, because the amended complaint, like the original complaint, did not meet the requirements of Federal Rule of Civil Procedure 8(a). See *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949-50 (2009); *Ciralsky v. CIA*, 355 F.3d 661, 668-71 (D.C. Cir. 2004). Rule 8(a)(2) requires "a short and plain statement of the claim showing that the pleader is entitled to relief, 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, 550 U.S. 544, 555 (2007) (internal quotation marks omitted). The dismissal without prejudice allows appellant to file a new complaint that meets these requirements. See *Ciralsky*, 355 F.3d at 671.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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