

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-5105

September Term, 2012

FILED ON: APRIL 2, 2013

RICKY BROOKS,

APPELLANT

v.

JANET ANN NAPOLITANO, IN HER OFFICIAL CAPACITY AS SECRETARY, U.S. DEPARTMENT OF
HOMELAND SECURITY, ET AL.,

APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 1:10-cv-00099)

Before: BROWN and GRIFFITH, *Circuit Judges*, and RANDOLPH, *Senior Circuit Judge*

J U D G M E N T

This case is before us on appeal from the district court's grant of the appellees' motion to dismiss. The issues were considered on the record and the briefs submitted by the parties. *See* Fed. R. App. P. 34(a)(2); D.C. Cir. R. 34(j). The court has accorded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. Cir. R. 36(d). It is

ORDERED AND ADJUDGED that the district court's February 8, 2012, order granting the appellees' motion to dismiss the appellant's complaint be affirmed.

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.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk