

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 12-7044**

**September Term, 2013**

FILED ON: NOVEMBER 22, 2013

THEODORE CARLTON RICHARDSON,  
APPELLANT

v.

CAPITAL ONE, N.A., DOING BUSINESS AS  
CAPITAL ONE BANK, N.A.,  
APPELLEE

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Appeal from the United States District Court  
for the District of Columbia  
(No. 1:11-cv-01840)

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Before: KAVANAUGH, *Circuit Judge*, and SENTELLE and RANDOLPH, *Senior 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 AND ADJUDGED** that the District Court's orders filed March 16, 2012, and May 16, 2012, be affirmed.

Pursuant to Federal Rule of Civil Procedure 12(b)(6), the District Court properly dismissed Richardson's claim under 15 U.S.C. § 1615 because the complaint fails to state a claim upon which relief can be granted. *See Richardson v. Capital One, N.A.*, 839 F. Supp. 2d 197 (D.D.C. 2012). The District Court also did not abuse its discretion when it declined to exercise supplemental jurisdiction over Richardson's pendent state-law claims. *See* 28 U.S.C. § 1367(c)(3); *Shekoyan v. Sibley International*, 409 F.3d 414, 423-24 (D.C. Cir. 2005).

Furthermore, the District Court did not abuse its discretion when it denied Richardson's motion for reconsideration of the dismissal order, *see Firestone v. Firestone*, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curiam), and denied leave to file an amended complaint, *see Hettinga v. United States*, 677 F.3d 471, 480 (D.C. Cir. 2012) (per curiam) ("A district court may deny a motion to

amend a complaint as futile if the proposed claim would not survive a motion to dismiss.”).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Jennifer M. Clark  
Deputy Clerk