

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-7101

September Term, 2014

1:14-cv-01034-ABJ

Filed On: October 22, 2014

Seungjin Kim,

Appellant

v.

Apple, Inc.,

Appellee

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

BEFORE: Tatel and Wilkins, Circuit Judges; Ginsburg, Senior Circuit Judge

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 and supplement filed by the appellant. It is

ORDERED AND ADJUDGED that the district court's order filed July 7, 2014, be affirmed. The district court properly dismissed the complaint for lack of subject matter jurisdiction because it is "patently insubstantial," presenting no federal question suitable for decision." Tooley v. Napolitano, 586 F.3d 1006, 1009 (D.C. Cir. 2009) (quoting Best v. Kelly, 39 F.3d 328, 330 (D.C. Cir. 1994)). As appellant has acknowledged in his brief, to the extent the complaint alleged a First Amendment violation, the district court correctly determined the claim did not apply to Apple, Inc., as a private entity.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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