

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 16-7074

September Term, 2016

1:16-cv-01123-UNA

Filed On: October 19, 2016

Robert G. Modrall,

Appellant

v.

Melissa Frey, et al.,

Appellees

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

BEFORE: Brown and Pillard, Circuit Judges, and 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 appellant's brief. 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 June 15, 2016, be affirmed. The district court correctly determined that appellant failed to state a claim upon which relief could be granted because the complaint did not contain "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)). Although the complaint alleged retaliation against appellant for his exercise of First Amendment rights, it did not clearly describe any activity by appellant protected by the First Amendment.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/
Ken Meadows
Deputy Clerk