

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 16-7145**

**September Term, 2016**

**1:16-cv-02138-UNA**

**Filed On: April 14, 2017**

Saleem El-Amin,

Appellant

v.

April Downs, et al.,

Appellees

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

**BEFORE:** Millett and Wilkins, 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 the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing and the motion for summary reversal, it is

**ORDERED AND ADJUDGED** that the motion for summary reversal be denied and the district court's October 25, 2016 order be affirmed. The district court properly dismissed the complaint because it failed to allege sufficient facts to state a plausible claim for relief pursuant to 28 U.S.C. § 1983. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *DuBerry v. District of Columbia*, 824 F.3d 1046, 1051 (D.C. Cir. 2016) (Section 1983 plaintiff must allege the violation of a federal right). Moreover, amendment of the complaint would have been futile because appellant has not presented any facts that could correct the complaint's defects. Cf. *Hettinga v. United States*, 677 F.3d 471, 480 (D.C. Cir. 2012) (motion to amend may be denied as futile if the proposed claim would not survive a motion to dismiss).

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

**No. 16-7145**

**September Term, 2016**

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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