

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5272

September Term, 2017

1:17-cv-00979-APM

Filed On: April 27, 2018

Teresita A. Canuto,

Appellant

v.

United States Department of Defense, et al.,

Appellees

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

BEFORE: Griffith, Srinivasan, and Katsas, 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 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 affirmance and the response thereto, it is

ORDERED that the motion for summary affirmance be granted. The merits of the parties' positions as to the claims against appellee Bank of America are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Appellant has not shown that the district court erred in dismissing her claims against appellee Bank of America because they are barred by res judicata. Despite appellant's argument that the claims in her two actions are not "identical specifically," res judicata bars not only claims that were actually adjudicated in an earlier action, but also claims that "could have been raised in that action." Allen v. McCurry, 449 U.S. 90, 94 (1980). It is

FURTHER ORDERED AND ADJUDGED that the remainder of the district court's orders filed October 13, 2017, and November 6, 2017, be affirmed. The district court did not err in dismissing all claims against the National Kidney and Transplant Institute because appellant failed to provide "a short and plain statement of the grounds for the court's jurisdiction." Fed. R. Civ. P. 8(a)(1). Appellant asserts that the district court has jurisdiction to hear claims against foreign states under 28 U.S.C. § 1330, but that

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-5272

September Term, 2017

section permits jurisdiction only when an exception to sovereign immunity applies and appellant does not allege that any exception applies. As to appellant's claims against the federal appellees – that they are liable for alleged actions in a wide-ranging conspiracy involving sexual assaults, continuous stalking, thefts, and the deaths of several family members abroad – the district court did not err in sua sponte dismissing those claims because appellant failed to comply with Federal Rule of Civil Procedure 8(a) and because those claims were “patently insubstantial.” See 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)). Nor did the district court abuse its discretion in denying appellant's motion to alter or amend the judgment. See Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996).

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