

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-7176

September Term, 2017

1:17-cv-01977-UNA

Filed On: April 18, 2018

Jan B. Hamilton,

Appellant

v.

Jennifer Lowe, et al.,

Appellees

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

**BEFORE:** Henderson and Katsas, 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 to appoint counsel, it is

**ORDERED** that the motion to appoint counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

**FURTHER ORDERED AND ADJUDGED** that the November 17, 2017 order of the district court be affirmed. The district court correctly concluded that, insofar as appellant seeks to require the government to investigate or to prosecute her alleged assault, the court lacks the authority to issue such an order. See, e.g., Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973) (“[A] citizen lacks standing to contest the policies of the prosecuting authority when he himself is neither prosecuted nor threatened with prosecution.”). Insofar as appellant sought damages from the defendants, appellant failed to allege facts sufficient to state a claim entitling her to relief. See Ashcroft v.

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Iqbal, 556 U.S. 662, 678 (2009). In particular, appellant has not demonstrated that any of the defendants are state or federal government officials; therefore, any acts or omissions on the part of the defendants are not constitutional violations. See, e.g., San Francisco Arts & Athletics, Inc. v. U.S. Olympic Committee, 483 U.S. 522, 542 (1987) (prohibitions of the Constitution apply only to “a governmental actor”). In addition, appellant has not established that the district court had jurisdiction over her damages claims either on the basis that her claims present a federal question, 28 U.S.C. § 1331, or on the basis of diversity jurisdiction, 28 U.S.C. § 1332.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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