

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

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**No. 16-5277**

**September Term, 2017**

**1:16-cv-01016-UNA**

**Filed On: June 13, 2018**

Chad Allen Beers,

Appellant

v.

Jeff Sessions, Attorney General of the United  
States, et al.,

Appellees

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

**BEFORE:** Millett, Pillard, 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 briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, appellant's motion to appoint counsel, appellant's motion to supplement the record, and appellant's requests to strike appellees' brief, which are contained in appellant's reply brief and motion to supplement the record, it is

**ORDERED** that the motion for appointment of 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** that the motion for leave to supplement the record be granted. It is

**FURTHER ORDERED** that the requests to strike appellees' brief be denied. See Stabilisierungsfonds Fur Wein v. Kaiser Stuhl Wein Distribs. Pty. Ltd, 647 F.2d 200, 201 (D.C. Cir. 1981) (per curiam) (holding that motions to strike are generally disfavored). It is

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**FURTHER ORDERED AND ADJUDGED** that the district court's orders filed on May 31, 2016 and September 1, 2016 be affirmed. The district court correctly held that appellant has not shown a "clear and indisputable" right to mandamus relief. See Am. Hosp. Ass'n v. Burwell, 812 F.3d 183, 189 (D.C. Cir. 2016). The documents submitted by appellant do not demonstrate that his prison records are inaccurate. Moreover, to the extent that appellant seeks amendment of his prison records under the Privacy Act, 5 U.S.C. § 552a(e)(5), (d), his prison records are exempt from the Privacy Act's amendment provision, see Skinner v. U.S. Dep't of Justice, 584 F.3d 1093, 1096 (D.C. Cir. 2009), and remand to the district court to consider any stand-alone Privacy Act claim would be futile.

To the extent appellant challenges the district court's order filed January 10, 2017, appellant did not amend his notice of appeal to include that order. Thus, the district court's January 10 order is not before this court. See Fed. R. App. P. 3(c)(1)(B) (providing that the "notice of appeal must . . . designate the judgment, order, or part thereof being appealed").

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**