

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5134

September Term, 2017

1:18-cv-00450-UNA

Filed On: September 12, 2018

Keith Arrick, Sr.,

Appellant

v.

United States of America,

Appellee

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

BEFORE: Griffith and Katsas, Circuit Judges, and Sentelle,
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). It is

ORDERED AND ADJUDGED that the district court's order filed April 12, 2018, be affirmed. Appellant has failed to demonstrate any error in the district court's dismissal of his complaint on the ground that it failed to state a claim upon which relief may be granted. See 28 U.S.C. § 1915A(b)(1) (providing that the court "shall identify cognizable claims or dismiss the complaint . . . if the complaint . . . fails to state a claim upon which relief may be granted"). As the district court explained, despite appellant's assertion that his claim was made pursuant to the Freedom of Information Act, the complaint did not allege "any facts suggesting that [appellant] requested records from a federal agency and was denied such records." Appellant's contention on appeal that he has tried to obtain the "true nature" of the allegations against him, and his request that this court order the government to produce a copy of the grand jury minutes, do not undermine the district court's reasoning. Moreover, as the district court explained, the U.S. District Court for the District of Columbia is not the proper venue for appellant's claim that he has been "unlawfully convicted" and for his request to "be set free." See 28 U.S.C. § 2255(a) ("A prisoner in custody under sentence of a court established by

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Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States . . . may move the court which imposed the sentence to vacate, set aside or correct the sentence.”) (emphasis added).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/
Scott H. Atchue
Deputy Clerk