

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-7182

September Term, 2018

1:18-cv-01460-UNA

Filed On: April 2, 2019

Helga G. Suarez Clark,

Appellant

v.

Carlos Castellon Cueva, et al.,

Appellees

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

BEFORE: Rogers and Griffith, 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, supplement, and appendix filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, the motion to appoint counsel, and the motion for financial assistance, 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 that the motion for financial assistance be denied. It is

FURTHER ORDERED AND ADJUDGED that the district court's order filed November 5, 2018 be affirmed. The district court granted appellant's request for an extension of time to file a second amended complaint, which she did. The district court properly dismissed this case without prejudice, because appellant's second amended complaint failed to provide "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a); see *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009). Appellant did not request, nor was she granted, leave to file a third

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amended complaint. However, the dismissal of this case without prejudice will allow appellant to file a new complaint that meets the requirements of Rule 8(a). See Ciralsky v. CIA, 355 F.3d 661, 666 (D.C. Cir. 2004).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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