

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-7187

September Term, 2018

1:18-cv-02420-UNA

Filed On: April 29, 2019

David Abiodun K.G.B. Onafeko,

Appellant

v.

Government of the United Kingdom of Great
Britain and Northern Ireland, et al.,

Appellees

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

BEFORE: Tatel and Millett, 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 the 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 December 3, 2018, be affirmed. The Foreign Sovereign Immunities Act ("FSIA"), "if it applies, is the 'sole basis for obtaining jurisdiction over a foreign state in federal court.'" Samantar v. Yousuf, 560 U.S. 305, 314 (2010) (quoting Argentine Republic v. Amerada Hess Shipping Corp., 488 U.S. 428, 439 (1989)); see 28 U.S.C. §§ 1330(a), 1604. The district court properly dismissed appellant's complaint for lack of jurisdiction because he failed to allege facts that could support the inference that any of the exceptions to sovereign immunity enumerated in the FSIA applies. See Simon v. Republic of Hungary, 812 F.3d 127, 141 (D.C. Cir. 2016) ("[c]laims against foreign sovereigns that do not fall within the ambit of an FSIA exception are barred"); Price v. Socialist People's Libyan Arab Jamahiriya, 294 F.3d 82, 93 (D.C. Cir. 2002) (dismissal on sovereign immunity grounds "is warranted if no plausible inferences can be drawn from the facts alleged that, if proven, would provide grounds for relief").

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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