

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5029

September Term, 2018

1:18-cv-03031-UNA

Filed On: April 25, 2019

Paul Maas Risenhoover, Esquire,

Appellant

v.

Sylvia Gaye Stanfield, The Honorable,
Ambassador, et al.,

Appellees

**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, supplements, 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, the motion to file documents under seal, and the motion for leave to intervene, 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 to file documents under seal be denied. It is

FURTHER ORDERED AND ADJUDGED that the district court's order filed January 25, 2019 be affirmed. The district court properly determined that appellant's complaint failed to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(ii). The complaint was titled a "FOIA Civil Complaint" and named several government officials as defendants. The Freedom of Information Act ("FOIA") provides a cause of action only against an "agency," not individuals. See 5 U.S.C. § 552(a)(4)(B); Martinez v. Bureau of Prisons, 444 F.3d 620, 624 (D.C. Cir. 2006).

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Moreover, appellant’s complaint failed to identify the FOIA request at issue in this case, the nature of the records sought in that request, or the records which appellant believes to have been improperly withheld. See Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 n.3 (2007) (complaint must identify the “circumstances, occurrences, and events” that support the claim for relief, in order to “provid[e] not only fair notice of the nature of the claim, but also grounds on which the claim rests”) (internal citation, quotation marks, and alteration omitted). However, the dismissal of this case without prejudice will allow appellant to file a new complaint that sets forth the basis for his claims. See Ciralsky v. CIA, 355 F.3d 661, 666 (D.C. Cir. 2004). It is

FURTHER ORDERED that the motion for leave to intervene be dismissed as moot.

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