

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

---

No. 19-7006

September Term, 2019

FILED ON: DECEMBER 2, 2019

SAMUEL PIERCE,

APPELLANT

v.

YALE UNIVERSITY, ET AL.,

APPELLEES

---

Appeal from the United States District Court  
for the District of Columbia  
(No. 1:17-cv-02508)

---

Before: HENDERSON, TATEL, and KATSAS, *Circuit Judges*.

**JUDGMENT**

This appeal from the United States District Court for the District of Columbia’s order granting defendants’ motion to dismiss was presented to the court and briefed and argued by counsel. The court has accorded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. Cir. R. 36(d). For the reasons stated below, it is hereby

**ORDERED** and **ADJUDGED** that the judgment of the district court be affirmed.

The district court dismissed the complaint because Pierce failed to allege antitrust standing. Without addressing whether Pierce has antitrust standing, we affirm on a different ground. *See Skinner v. Department of Justice*, 584 F.3d 1093, 1100 (D.C. Cir. 2009) (“[T]his court can affirm a correct decision even if on different grounds than those assigned in the decision on review, a principle particularly applicable when reviewing a dismissal for failure to state a claim.” (internal quotation marks omitted)). Pierce’s conclusory factual allegations are insufficient to plausibly sustain his antitrust claims. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (“To survive a motion to dismiss, . . . the plaintiff [must] plead[] factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”).

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. R. 41.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken Meadows  
Deputy Clerk