

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-7050

September Term, 2020

1:20-cv-01117-UNA

Filed On: October 30, 2020

Brud Rossmann, Esquire,
Appellant

v.

Terrence Austin, Esquire, et al.,
Appellees

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

BEFORE: Henderson 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 and appendix 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 June 1, 2020, be affirmed. The district court properly dismissed the case without prejudice for lack of subject matter jurisdiction, because the complaint neither established federal question nor diversity of citizenship jurisdiction. See Fed. R. Civ. P. 12(h)(3); 28 U.S.C. §§ 1331, 1332; see also Johnson v. Robinson, 576 F.3d 522, 522 (D.C. Cir. 2009) (per curiam) ("Federal court jurisdiction must affirmatively appear clearly and distinctly. The mere suggestion of a federal question is not sufficient to establish the jurisdiction of federal courts.") (quoting Bilal v. Kaplan, 904 F.2d 14, 15 (8th Cir. 1990) (per curiam)).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/
Daniel J. Reidy
Deputy Clerk