

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5061

September Term, 2020

1:19-cv-03584-UNA

Filed On: November 18, 2020

Page David Penk,
Appellant

v.

William Pelham Barr, The Honorable Attorney
General for the United States of America,
Appellee

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

BEFORE: Henderson and Rogers, 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 briefs and supplement 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 January 10, 2020 be affirmed. The district court correctly concluded that appellant lacks standing to challenge the constitutionality of the federal death penalty statute because appellant does not claim to be facing the death penalty. See *Warth v. Seldin*, 422 U.S. 490, 501 (1975) (To establish standing, "the plaintiff [] must allege a distinct and palpable injury to himself, even if it is an injury shared by a large class of other possible litigants.").

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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