

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 20-5299**

**September Term, 2020**

**1:20-cv-01864-UNA**

**Filed On: April 2, 2021**

Jacob Andrew Bergeron,

Appellant

v.

J.C. Hacker, Of Atlanta, Federal Bureau of  
Investigation, et al.,

Appellees

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

**BEFORE:** Rogers, Wilkins, and Rao, Circuit Judges

**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 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 orders filed July 28, 2020, and September 9, 2020, be affirmed. The district court properly dismissed the complaint as frivolous. See 28 U.S.C. § 1915(e)(2)(B); Neitzke v. Williams, 490 U.S. 319, 325 (1989) (explaining that a complaint is frivolous "where it lacks an arguable basis either in law or in fact"). Appellant has not shown any abuse of discretion in the district court's denial of reconsideration. See Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curiam). Additionally, appellant has not shown that the district court erred in striking the amended complaint. Appellant had not sought leave of the court to file the amended complaint, as required by Federal Rule of Civil Procedure 15. Moreover, the proposed amendment would have been futile. See Hettinga v. United States, 677 F.3d 471, 480 (D.C. Cir. 2012) (per curiam) ("A district court may deny a motion to amend a complaint as futile if the proposed claim would not survive a motion to dismiss.").

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/  
Michael C. McGrail  
Deputy Clerk