

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5305

September Term, 2020

1:20-cv-02397-UNA

Filed On: April 9, 2021

Roy A. Day,

Appellant

v.

Joseph R. Biden, Jr. and Thomas J. Vilsack,

Appellees

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

**BEFORE:** Rogers and Wilkins, 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). Upon consideration of the foregoing, and the request for initial hearing en banc, it is

**ORDERED** that the request for initial hearing en banc be denied. See Fed. R. App. P. 35(a). It is

**FURTHER ORDERED AND ADJUDGED** that the district court's order filed September 29, 2020, be affirmed. Appellant has not identified any error in the district court's dismissal of the case without prejudice for lack of subject matter jurisdiction. See Fed. R. Civ. P. 12(h)(3); Warth v. Seldin, 422 U.S. 490, 499 (1975) (“[W]hen the asserted harm is a ‘generalized grievance’ shared in substantially equal measure by all or a large class of citizens, that harm alone normally does not warrant exercise of jurisdiction.”). Nor has appellant shown that the district court abused its discretion in holding that the complaint failed to comply with Federal Rule of Civil Procedure 8(a), which requires “a short and plain statement of the grounds for the court's jurisdiction” and “a short and plain statement of the claim showing that the pleader is entitled to relief.” See Ciralsky v. CIA, 355 F.3d 661, 668-69 (D.C. Cir. 2004).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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