

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5066

September Term, 2020

1:20-cv-02204-UNA

Filed On: July 14, 2021

David McConnell,

Appellant

v.

Michael Carvajal, Director, Bureau of Prisons,

Appellee

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

BEFORE: Pillard, 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 October 26, 2020, and December 22, 2020, be affirmed. The district court properly dismissed appellant’s petition for writ of mandamus for failure to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(ii); Walpin v. Corp. for Nat’l & Cmty. Servs., 630 F.3d 184, 186-88 (D.C. Cir. 2011). Moreover, the district court did not abuse its discretion in denying reconsideration. See Fed. R. Civ. P. 59(e); Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curiam). Specifically, appellant has not demonstrated that the district court erred in concluding that the Freedom of Information Act (“FOIA”) provides him with an alternative avenue to obtain the information he seeks. Accordingly, appellant has not satisfied his burden to demonstrate that “there is no other adequate remedy available to [him].” Power v. Barnhart, 292 F.3d 781, 784 (D.C. Cir. 2002) (citations and internal quotation marks omitted). Finally, appellant has not shown that the district court improperly dismissed the case sua sponte without providing leave to amend. See Rollins v. Wackenhut Servs., Inc., 703 F.3d 122, 127 (D.C. Cir. 2012) (district court may dismiss a claim without notice “where it is patently obvious that the plaintiff cannot possibly prevail based on the facts alleged in the complaint.”) (citation and internal quotation marks omitted).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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