

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

---

**No. 20-7046**

**September Term, 2020**

**1:20-cv-00387-UNA**

**Filed On: August 23, 2021**

John J. Wilson, Jr.,

Appellant

v.

Daniel J. Alfonso, City Manager, et al.,

Appellees

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

**BEFORE:** Millett 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 motion for appointment of counsel, it is

**ORDERED** that the motion for appointment of counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

**FURTHER ORDERED AND ADJUDGED** that the district court's orders, filed March 5, 2020 and April 30, 2020, be affirmed. The district court properly dismissed appellant's case with prejudice on the ground that the complaint failed to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(ii); Atherton v. D.C. Office of the Mayor, 567 F.3d 672, 681-82 (D.C. Cir. 2009) (“[E]ven a pro se complainant must plead ‘factual matter’ that permits the court to infer ‘more than the mere possibility of misconduct.’”) (quoting Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)); Firestone v. Firestone, 76 F.3d 1205, 1209 (D.C. Cir. 1996) (per curiam) (“A dismissal with prejudice is warranted . . . when a trial court determines that the allegation of other facts consistent with the challenged pleading could not possibly cure the deficiency.”) (internal quotation marks omitted). Moreover, the district court did not abuse its discretion in denying appellant's motion for reconsideration, see Smalls v. United States, 471 F.3d 186, 191 (D.C. Cir. 2006) (denial of Rule 60(b) motion reviewed

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

**No. 20-7046**

**September Term, 2020**

for abuse of discretion); Firestone, 76 F.3d at 1208 (denial of Rule 59(e) motion reviewed for abuse of discretion), or his motions for injunctive relief, see In re Navy Chaplaincy, 697 F.3d 1171, 1178 (D.C. Cir. 2012) (reviewing for abuse of discretion “district court’s ultimate decision to deny injunctive relief”).

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