

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5299

September Term, 2022

1:22-cv-03110-UNA

Filed On: March 1, 2023

Surf Moore,

Appellant

v.

National Security Agency,

Appellee

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

BEFORE: Henderson and Katsas, 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 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 October 21, 2022 order dismissing appellant's complaint and civil action be affirmed. The district court correctly concluded that dismissal was warranted for substantially the same reasons as in Moore v. NSA, No. 19-cv-3170 (D.D.C. Oct. 31, 2019), aff'd, No. 19-5324 (D.C. Cir. Feb. 5, 2020). Namely, that appellant's allegations are baseless and wholly incredible. See, e.g., Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (district court may dismiss as frivolous a complaint whose factual allegations "rise to the level of the irrational or the wholly incredible").

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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