

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

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**No. 22-5248**

**September Term, 2022**

**1:22-cv-02203-UNA**

**Filed On: May 18, 2023**

Joshua D. Franklin, also known as Josh,

Appellant

v.

United States of America, Inc., 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 filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, the motion to appoint counsel and a private investigator, and the motion to exceed page limits, it is

**ORDERED** that the motion to appoint counsel and a private investigator be denied. In civil cases, litigants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. Additionally, appellant has not shown he is entitled to appointment of a private investigator. It is

**FURTHER ORDERED** that the motion to exceed page limits be dismissed as moot. Appellant has submitted a brief that complies with the word limit. See Fed. R. App. P. 32(a)(7), (f). It is

**FURTHER ORDERED AND ADJUDGED** that the district court's August 5, 2022 order be affirmed. The district court properly dismissed appellant's case as frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i); Neitzke v. Williams, 490 U.S. 319, 325 (1989) (“[A] complaint . . . is frivolous where it lacks an arguable basis either in law or in fact.”).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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