

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-7011

September Term, 2022

1:22-cv-00693-UNA

Filed On: May 23, 2023

May Chen,

Appellant

v.

Metropolitan Police Department, et al.,

Appellees

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

BEFORE: Wilkins 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). Upon consideration of the foregoing and the motion for entry of judgment and the supplement thereto, it is

ORDERED that the motion for entry of judgment be denied. It is

FURTHER ORDERED AND ADJUDGED that the district court’s December 16, 2022 order be affirmed. The district court did not abuse its discretion in denying appellant’s motion for relief from judgment. See Smalls v. United States, 471 F.3d 186, 191 (D.C. Cir. 2006) (district court’s denial of relief under Rule 60(b) reviewed for abuse of discretion); United States v. Civ. Aeronautics Bd., 510 F.2d 769, 773 (D.C. Cir. 1975) (same, for denial of relief under Rule 60(a)). Entry of default or default judgment was not warranted where the case was dismissed before the defendants were served. See Keegel v. Key W. & Caribbean Trading Co., 627 F.2d 372, 374 (D.C. Cir. 1980) (“No obligation to answer arose until after service was effected.”).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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