

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-7092

September Term, 2023

1:23-cv-01001-UNA

Filed On: December 22, 2023

Anthony Braxton,

Appellant

v.

Susan D. Ellis,

Appellee

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

BEFORE: Henderson, Pillard, and Pan, 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). Upon consideration of the foregoing, which this court construes as including a motion to appoint counsel and a motion for an injunction seeking a transfer to another facility, and the supplement to the brief, it is

ORDERED that the motion to appoint 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 that the motion for an injunction be denied. Appellant has shown no valid basis for this court to grant injunctive relief. It is

FURTHER ORDERED AND ADJUDGED that the district court's order filed June 7, 2023, be affirmed. The district court properly dismissed appellant's case without prejudice for lack of subject matter jurisdiction, because the complaint established neither federal question nor diversity of citizenship jurisdiction. See Fed. R. Civ. P. 12(h)(3); 28 U.S.C. §§ 1331, 1332.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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