

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5194

September Term, 2023

1:23-cv-01733-UNA

Filed On: May 15, 2024

Justin J. Rueb,

Appellant

v.

Secretary of Labor and United States
Department of Labor,

Appellees

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

BEFORE: Rao, Walker, and Garcia, 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). It is

ORDERED AND ADJUDGED that the district court's July 17, 2023 order dismissing appellant's petition for writ of mandamus be affirmed. The district court correctly concluded that appellant failed to establish that he has a clear right to an order directing appellee to investigate his allegations of unlawful wage garnishment, or that appellee has a clear duty to open an investigation. See Illinois v. Ferriero, 60 F.4th 704, 713-15 (D.C. Cir. 2023). An agency's decision not to take an enforcement action is generally committed to its absolute discretion, Heckler v. Chaney, 470 U.S. 821, 831 (1985), and appellant has not demonstrated that the language of 15 U.S.C. § 1676 creates a non-discretionary obligation on the part of appellee.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/
Scott H. Atchue
Deputy Clerk