

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

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**No. 23-5093**

**September Term, 2023**

**1:20-cv-00244-CKK**

**Filed On: June 20, 2024**

Julian Okeayainneh,

Appellant

v.

United States Department of Justice, et al.,

Appellees

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

**BEFORE:** Wilkins, Childs, 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 briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, the motion for other relief, the supplements thereto, and the motion to hold in abeyance, it is

**ORDERED** that the motion for other relief be denied without prejudice to appellant seeking relief in an appropriate forum. Appellant requests relief relating to his alleged mistreatment in prison, but none of the allegations in appellant's motion bears any relationship to the Freedom of Information Act claims asserted in the complaint at issue in this case. It is

**FURTHER ORDERED AND ADJUDGED** that the April 12, 2023, order of the district court be vacated and that the case be remanded to the district court. The district court abused its discretion in denying leave to file appellant's petition under 28 U.S.C. § 1651 and motion for relief under Fed. R. Civ. P. 60(b) without explaining its reasoning. See *Berry v. District of Columbia*, 833 F.2d 1031, 1037 n.24 (D.C. Cir. 1987). The district court's reasons for denying leave to file are not clear on this record, as the order cites only this court's May 25, 2022, summary affirmance order in No. 21-5167 without any explanation. See *Foman v. Davis*, 371 U.S. 178, 182 (1962);

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Firestone v. Firestone, 76 F.3d 1205, 1209 (D.C. Cir. 1996) (per curiam). The court takes no position on the merits of appellant's petition and motion or on the timeliness of the motion under Fed. R. Civ. P. 60(b). It is

**FURTHER ORDERED** that the motion to hold in abeyance be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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. The Clerk is further directed to transmit a certified copy of this order to the district court.

**Per Curiam**