

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5045

September Term, 2024

1:23-cv-03317-UNA

Filed On: September 4, 2024

David Carmine Lettieri,

Appellant

v.

Federal Marshals, Office of General Counsel
and Niagara County Jail,

Appellees

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

BEFORE: Henderson, Walker, and Childs, 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 December 20, 2023 dismissal order and January 31, 2024 denials of leave to file a motion to amend and proposed amended complaint be affirmed. The district court properly dismissed appellant’s complaint for failure to comply with Federal Rule of Civil Procedure 8(a). Appellant’s complaint did not set forth “a short and plain statement of the claim showing that the pleader is entitled to relief,” which is required in order to “give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) (alteration in original). Additionally, appellant has not shown that the district court abused its discretion in denying him leave to file a motion to amend the complaint and a proposed amended complaint in the closed case, because the proposed amended complaint would not have cured the deficiencies of the original complaint. See Banner Health v. Price, 867 F.3d 1323, 1334 (D.C. Cir. 2017) (stating that district court has discretion to control its docket); see also Hettinga v. United States, 677 F.3d 471, 480 (D.C. Cir. 2012) (per curiam) (“A district court may deny a motion to amend a complaint as futile if the proposed claim would not survive a motion to dismiss.”).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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