

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5201

September Term, 2024

1:22-cv-03674-UNA

Filed On: November 21, 2024

Darrel R. Fisher,

Appellant

v.

Clayton R. Higgins, Jr., Clerk of the Supreme
Court and J. Doe, Postmaster,

Appellees

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

BEFORE: Henderson, Pillard, and Walker, 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 April 12, 2023 order be affirmed. Appellant lacks standing to seek the criminal prosecution of appellees, see Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973); he has not shown that 28 U.S.C. § 1654, which authorizes litigation either pro se or by counsel, provides a private cause of action to enforce criminal statutes; and he otherwise fails to allege “sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). Additionally, appellant has shown no error in the district court’s dismissing the case prior to service of process on appellees. See 28 U.S.C. § 1915(e)(2) (observing that the district court “shall dismiss the case at any time” if it is frivolous or malicious, fails to state a claim, or seeks damages against defendants who are immune).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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