

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5275

September Term, 2024

1:24-cv-02384-UNA

Filed On: March 20, 2025

Jose L. Canales Cancel,

Appellant

v.

United States Department of Health and
Human Services,

Appellee

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

BEFORE: Childs, Pan, 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, which includes a request for appointment of counsel. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED that the request for appointment of 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 AND ADJUDGED that the district court's November 22, 2024 order be affirmed. The district court did not err by dismissing the complaint without prejudice for failure to comply with the pleading standards of 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 Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (alteration in original). Using the complaint form provided by the district court is not alone sufficient to satisfy this requirement. The district court also concluded that appellant failed to plead or establish a waiver of sovereign immunity in this case, and appellant has forfeited any challenge to that holding by not addressing it in his brief. See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk