

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-5127

September Term, 2026

1:26-cv-00555-JMC

Filed On: October 22, 2026

Theresa Garner,

Appellant

v.

United States of America,

Appellee

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

BEFORE: Millett, 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 order entered April 7, 2026, be affirmed. The district court correctly dismissed appellant’s complaint because her claims are patently insubstantial. See Tooley v. Napolitano, 586 F.3d 1006, 1009 (D.C. Cir. 2009) (“A complaint may be dismissed on jurisdictional grounds when it is patently insubstantial, presenting no federal question suitable for decision.” (citations and internal marks omitted)); see also Klayman v. Rao, 49 F.4th 550, 552 (D.C. Cir. 2022) (“It seems clear to us that the instant suit is an attempt to relitigate prior decisions of the district court and of this court.”). Contrary to appellant’s contentions, the district court properly dismissed the complaint *sua sponte*. See Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”); Prakash v. Am. Univ., 727 F.2d 1174, 1180 n.34 (D.C. Cir. 1984) (“The court need not wait for a party to raise a jurisdictional issue; instead, the court should, *sua sponte*, inquire into the basis for its jurisdiction.”). The district court also properly denied as moot appellant’s motions for discovery and for electronic filing privileges when dismissing the case. Appellant’s numerous district court filings belie her contention that she was prevented from amending her complaint merely because she could not file electronically. And appellant fails to show prejudice from the district court’s alleged failure to properly serve her with the April 7 order. See 28 U.S.C.

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§ 2111 (providing that appellate courts must disregard “errors or defects which do not affect the substantial rights of the parties”).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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