

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

Benjamin Cunningham v. John Does

No. 20-5040, United States Court of Appeals for the District of Columbia Circuit (October 30, 2020)

SUMMARY

The D.C. Circuit affirmed the district court's dismissal of Benjamin Cunningham's complaint for failure to comply with Federal Rule of Civil Procedure 8(a), which requires a short and plain statement of jurisdiction and the claim. The court held that the appellant did not demonstrate an abuse of discretion in the dismissal, nor in the denial of his motion to compel or motion for reconsideration. This unpublished per curiam opinion reinforces the pleading standards under Rule 8(a) and the deferential abuse-of-discretion standard of review for such dismissals and related motions.

CASE DETAILS

COURT	United States Court of Appeals for the District of Columbia Circuit
WRITING FOR THE COURT	Henderson; Katsas; Sentelle
JURISDICTION	Federal
DECIDED	October 30, 2020
DOCKET	20-5040
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from district court orders dismissing complaint for failure to comply with Rule 8(a) and denying motion to compel and motion for reconsideration.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Unpublished
PARTIES	Benjamin Cunningham v. John Does, et al.

TOPICS

- appellate procedure
- civil procedure
- pleadings
- standard of review
- motions to dismiss

PRACTICE AREAS

- Appellate Procedure
- Civil Procedure

QUESTIONS PRESENTED

1. Whether the district court abused its discretion in dismissing the complaint for failure to comply with Rule 8(a).
2. Whether the district court abused its discretion in denying the motion to compel.
3. Whether the district court abused its discretion in denying the motion for reconsideration.

HOLDINGS

1. The district court did not abuse its discretion because appellant failed to demonstrate any error in the dismissal for failure to comply with Rule 8(a) or in the denial of the motions.

KEY QUOTATIONS

“a short and plain statement of the grounds for the court’s jurisdiction, and a short and plain statement of the claim showing that the pleader is entitled to relief” (1)

“appellant has not demonstrated that the district court abused its discretion in dismissing the complaint for failure to comply with Federal Rule of Civil Procedure 8(a)” (1)

FACTUAL BACKGROUND

The underlying facts are not detailed in this opinion. The district court dismissed the complaint for failure to comply with Rule 8(a), which requires a short and plain statement of jurisdiction and claim.

PROCEDURAL HISTORY

The district court dismissed the complaint for failure to comply with Federal Rule of Civil Procedure 8(a). The district court also denied appellant's motion to compel and motion for reconsideration. Appellant appealed.

DISPOSITION

affirmed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Ciralsky v. CIA, 355 F.3d 661 (D.C. Cir. 2004)
- Ortiz-Diaz v. U.S. Dep’t of Housing & Urban Dev., 867 F.3d 70 (D.C. Cir. 2017)
- Owens v. Republic of Sudan, 864 F.3d 751 (D.C. Cir. 2017)

OPINION

PER CURIAM.

United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT _____
No. 20-5040 September Term, 2020 1:19-cv-02073-UNA Filed On: October 30, 2020 Benjamin

Cunningham, Appellant v. John Does, et al., Appellees ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA BEFORE: Henderson and Katsas, Circuit Judges, and Sentelle, Senior Circuit Judge JUDGMENT This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs and appendices filed by appellant.

See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the exhibits and notices filed by appellant, it is ORDERED AND ADJUDGED that the district court's orders filed November 13, 2019, November 27, 2019, and January 2, 2020, be affirmed. Appellant has not demonstrated that the district court abused its discretion in dismissing the complaint for failure to comply with Federal Rule of Civil Procedure 8(a), which requires "a short and plain statement of the grounds for the court's jurisdiction," and "a short and plain statement of the claim showing that the pleader is entitled to relief." See *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009); *Ciralsky v. CIA*, 355 F.3d 661, 668-69 (D.C.

Cir. 2004). Nor has appellant shown any abuse of discretion in the district court's denial of his motion to compel and his motion for reconsideration. See *Ortiz-Diaz v. U.S. Dep't of Housing & Urban Dev., Office of Inspector Gen.*, 867 F.3d 70, 74 (D.C. Cir. 2017); *Owens v. Republic of Sudan*, 864 F.3d 751, 818 (D.C. Cir. 2017). United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT _____ No. 20-5040 September Term, 2020 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 Page 2