

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

Stovell v. James

526 F. App'x 1 (D.C. Cir. 2013) · Decided April 24, 2013

SUMMARY

The D.C. Circuit affirmed the district court's dismissal of claims for fraud, breach of contract, and tortious interference under Federal Rule of Civil Procedure 12(b)(6). The court also upheld the denial of relief under Rule 60(b) and denial of leave to file a second amended complaint, and held that the appellant forfeited any challenge to the defamation ruling by failing to address it.

CASE DETAILS

COURT	United States Court of Appeals for the District of Columbia Circuit
WRITING FOR THE COURT	Per curiam; Brown; Griffith; Kavanaugh
JURISDICTION	Federal
DECIDED	April 24, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the District of Columbia challenging dismissal of claims, denial of relief from judgment under Federal Rule of Civil Procedure 60(b), and denial of leave to file a second amended complaint.
STANDARD OF REVIEW	The Rule 60(b) ruling and denial of leave to amend were reviewed for abuse of discretion. The Rule 12(b)(6) dismissal was affirmed because the complaint failed to state a claim upon which relief could be granted. The challenge to the defamation ruling was forfeited because the appellant's briefs did not address it.
PRECEDENTIAL VALUE	Unpublished and nonprecedential
PARTIES	Leicester Bryce Stovell

TOPICS

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PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court properly dismissed the fraud, breach-of-contract, and tortious-interference claims under Federal Rule of Civil Procedure 12(b)(6).
2. Whether the appellant forfeited any challenge to the disposition of the defamation claims by failing to address those claims in his appellate briefs.
3. Whether the district court abused its discretion by denying relief from judgment under Federal Rule of Civil Procedure 60(b).
4. Whether the district court abused its discretion by denying leave to file a second amended complaint.

HOLDINGS

1. The district court properly dismissed the fraud, breach-of-contract, and tortious-interference claims under Federal Rule of Civil Procedure 12(b)(6) because the complaint failed to state a claim upon which relief could be granted.
2. The appellant forfeited any challenge to the disposition of the defamation claims by failing to address that disposition in his appellate briefs.
3. The district court did not abuse its discretion by denying the appellant's motion for relief from judgment under Federal Rule of Civil Procedure 60(b).
4. The district court did not abuse its discretion by denying leave to file the second amended complaint because amendment would have been futile if the proposed claims could not survive a motion to dismiss.

KEY QUOTATIONS

“A district court may deny a motion to amend a complaint as futile if the proposed claim would not survive a motion to dismiss.”

FACTUAL BACKGROUND

The complaint asserted claims for fraud, breach of contract, tortious interference with a contract, and defamation. The district court dismissed the fraud, contract, and tortious-interference claims, and the appellant did not address the defamation ruling in his appellate briefs. The district court subsequently denied relief from judgment under Rule 60(b) and denied leave to file a second amended complaint.

PROCEDURAL HISTORY

The district court dismissed claims for fraud, breach of contract, and tortious interference with a contract under Federal Rule of Civil Procedure 12(b)(6), and the appellant did not challenge the disposition of the defamation claims in his appellate briefs. The district court also denied the appellant's Rule 60(b) motion and denied leave to file a second amended complaint. The D.C. Circuit affirmed the district court's September 14, 2011 and March 29, 2012 orders.

DISPOSITION

affirmed

CASES CITED

- Stovell v. James, 810 F. Supp. 2d 237 (D.D.C. 2011)
- Dunkin' Donuts Mid-Atl. Distrib. Ctr., Inc. v. NLRB, 363 F.3d 437, 441 (D.C. Cir. 2004)
- Smalls v. United States, 471 F.3d 186, 191 (D.C. Cir. 2006)
- Hettinga v. United States, 677 F.3d 471, 480 (D.C. Cir. 2012) (per curiam)
- Stovell v. James, 849 F. Supp. 2d 43 (D.D.C. 2012)

OPINION

PER CURIAM.

JUDGMENT PER CURIAM. This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R.App. P. 34(a)(2); D.C.Cir. Rule 34(j). It is ORDERED AND ADJUDGED that the district court's orders filed September 14, 2011 and March 29, 2012, be affirmed. Pursuant to Federal Rule of Civil Procedure 12(b)(6), the district court properly dismissed the claims for fraud, breach of contract, and tortious interference with a contract because the complaint fails to state a claim upon which relief can be granted.

See Stovell v. James, 810 F.Supp.2d 237 (D.D.C.2011). Because appellant's briefs do not address the disposition of the defamation claims, appellant has forfeited any challenge to that ruling on appeal. See Dunkin' Donuts Mid-Atl. Distrib. Ctr., Inc. v. NLRB, 363 F.3d 437, 441 (D.C.Cir.2004). Furthermore, the district court did not abuse its discretion by denying appellant's motion for relief from the judgment under Rule 60(b), see Smalls v. United States, 471 F.3d 186, 191 (D.C.Cir.2006), or denying leave to file the second amended complaint, see 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.").

See Stovell v. James, 849 F.Supp.2d 43 (D.D.C.2012). 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.