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## APPENDIX A

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[UNPUBLISH]

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 18-5019

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*Filed On: May 24, 2018*

Seungjin Kim,  
Appellant

v.

United States Customs and Border Protection,  
Appellees

**BEFORE:** Griffith and Srinivasan, Circuit Judges, and  
Ginsburg, 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 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 filed December 4, 2017, be affirmed. Appellant's complaint failed to provide "a short and plain statement of the claim showing that the pleader is entitled to relief, in order to give the defendant fair notice of what the ... claim is and the grounds upon which it rests." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) (internal quotation marks omitted, ellipsis board a flight to the United States on February 12, 2018. The court declines to consider that claim because it is raised for the first time on appeal. See United States v. Stover, 329 F.3d 859, 872 (D.C. Cir. 2003).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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 even 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/  
Ken Meadows  
Deputy Clerk

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 18-5019**

**September Term, 2017**

**1:17-cv-02150-UNA**

**Filed On: May 24, 2018**

Seungjin Kim,

Appellant

v.

United States Customs and Border  
Protection,

Appellee

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

**BEFORE:** Griffith and Srinivasan, Circuit Judges, and Ginsburg, 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 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 filed December 4, 2017, be affirmed. Appellant's complaint failed to provide "a short and plain statement of the claim showing that the pleader is entitled to relief, in order to give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) (internal quotation marks omitted, ellipsis in original); see Fed. R. Civ. P. 8(a). Appellant now alleges that he was not allowed to board a flight to the United States on February 12, 2018. The court declines to consider that claim because it is raised for the first time on appeal. See United States v. Stover, 329 F.3d 859, 872 (D.C. Cir. 2003).

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

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 18-5019**

**September Term, 2017**

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/  
Ken Meadows  
Deputy Clerk

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**APPENDIX B**

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Civil Action No. 17-2150-UNA

SEUNGJIN KIM,

Plaintiff,

v.

U.S. CUSTOMS & BORDER PROTECTION,

Defendant.

**MEMORANDUM OPINION**

This matter comes before the Court upon review of plaintiff's application for leave to proceed *in forma pauperis* and *pro se* complaint. Because the instant complaint is substantially similar to that filed in a prior lawsuit, see Kim v. President of the United States, No. 16-2002 (D.D.C. filed Oct. 7, 2016), Aff'd, No. 16-5331 (D.C. Cir. Sept. 8, 2017), and it will be dismissed as duplicative. An Order is issued separately.

SIGN

United States District Judge

DATE: 12/1/2017

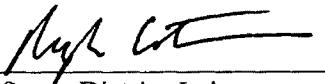
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

SEUNGJIN KIM, )  
 )  
 Plaintiff, ) **DEC - 4 2017**  
 )  
 v. ) **Clerk, U.S. District & Bankruptcy**  
 ) **Courts for the District of Columbia**  
 )  
 U.S. CUSTOMS & BORDER PROTECTION, )  
 )  
 Defendant. )  
 ) Civil Action No. 17-2150 (UNA)

**MEMORANDUM OPINION**

This matter comes before the Court upon review of plaintiff's application for leave to proceed *in forma pauperis* and *pro se* complaint. Because the instant complaint is substantially similar to that filed in a prior lawsuit, *see Kim v. President of the United States*, No. 16-2002 (D.D.C. filed Oct. 7, 2016), *aff'd*, No. 16-5331 (D.C. Cir. Sept. 8, 2017), and it will be dismissed as duplicative. An Order is issued separately.

  
\_\_\_\_\_  
United States District Judge

DATE: 12/1/2017