

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ER2005

No. 18-5163

September Term, 2018

1:18-cv-00956-UNA

Filed On: October 3, 2018 [1753691]

Consuelo Jordan,

Appellant

v.

Equal Employment Opportunity
Commission, et al.,

Appellees

ORDER

It is ORDERED, on the court's own motion, that the judgment filed on this date be vacated as it was entered in error.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken R. Meadows
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ERROORS

No. 18-5163

September Term, 2018

1:18-cv-00956-UNA

Filed On: October 3, 2018

Consuelo Jordan,
Appellant

v.

Equal Employment Opportunity Commission,
et al.,
Appellees

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

BEFORE: Henderson and Millett, 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 appellant's brief. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's May 1, 2018 order be affirmed. Appellant has shown no error in the district court's dismissal of her complaint without prejudice on the ground that "Congress has not authorized, either expressly or impliedly, a cause of action against the [Equal Employment Opportunity Commission ("EEOC")] for the EEOC's alleged negligence or other malfeasance in processing an employment discrimination charge." Smith v. Casellas, 119 F.3d 33, 34 (D.C. Cir. 1997) (per curiam) (citations omitted).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5163

September Term, 2018

1:18-cv-00956-UNA

Filed On: October 25, 2018

Consuelo Jordan,

Appellant

v.

Equal Employment Opportunity Commission,
et al.,

Appellees

BEFORE: Henderson and Millett, Circuit Judges, and Sentelle,
Senior Circuit Judge

ORDER

Upon consideration of the motion for a "hearing," which has been construed as a motion for reconsideration of the court's order dispensing with oral argument in this case pursuant to Federal Rule of Appellate Procedure 34(a)(2) and D.C. Circuit Rule 34(j), it is

ORDERED that the motion be denied. Motions to reconsider Rule 34(j) orders are disfavored, see D.C. Cir. Rule 34(j)(2), and appellant has not shown that the court's decision to dispose of the case without oral argument warrants reconsideration.

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. 18-5163

September Term, 2018

1:18-cv-00956-UNA

Filed On: October 25, 2018

Consuelo Jordan,
Appellant

v.

Equal Employment Opportunity Commission,
et al.,
Appellees

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

BEFORE: Henderson and Millett, 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 appellant's brief. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's May 1, 2018 order be affirmed. Appellant has shown no error in the district court's dismissal of her complaint without prejudice on the ground that "Congress has not authorized, either expressly or impliedly, a cause of action against the [Equal Employment Opportunity Commission ("EEOC")] for the EEOC's alleged negligence or other malfeasance in processing an employment discrimination charge." Smith v. Casellas, 119 F.3d 33, 34 (D.C. Cir. 1997) (per curiam) (citations omitted).

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/
Ken Meadows
Deputy Clerk

FILED

MAY - 1 2018

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

CONSUENO JORDAN,)
)
 Plaintiff,)
)
 v.) Civil Action No. 18-0956 (UNA)
)
 U.S. EQUAL EMPLOYMENT OPPORTUNITY)
 COMMISSION, *et al.*,)
)
 Defendants.)
)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby
ORDERED that the plaintiff's application to proceed *in forma pauperis* [2] is
GRANTED; and it is

FURTHER ORDERED that the complaint and this civil action are DISMISSED
WITHOUT PREJUDICE.

This is a final appealable Order. *See* Fed. R. App. P. 4(a).

SO ORDERED.



United States District Judge

DATE: April 30, 2018

FILED

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

MAY - 1 2018

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

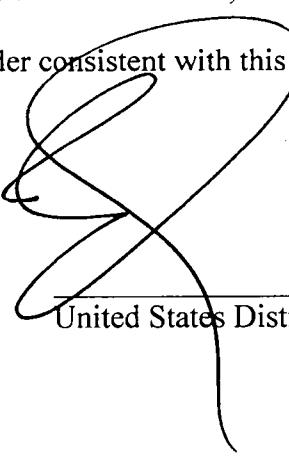
CONSUENO JORDAN,)
Plaintiff,)
v.) Civil Action No. 18-0956 (UNA)
U.S. EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION, *et al.*,)
Defendants.)
)

MEMORANDUM OPINION

This matter is before the Court on consideration of the plaintiff's application to proceed *in forma pauperis* and her *pro se* complaint. The Court will grant the application and dismiss the complaint.

The plaintiff's claims appear to arise from the handling of an employment discrimination claim brought before the Equal Employment Opportunity Commission. Because "Congress has not authorized, either expressly or impliedly, a cause of action against the EEOC for the EEOC's alleged negligence or other malfeasance in processing an employment discrimination charge," *Smith v. Casellas*, 119 F.3d 33, 34 (D.C. Cir. 1997) (per curiam) (citations omitted), the Court will dismiss the complaint without prejudice, *see Jordan v. EEOC*, No. 17-cv-1473, 2017 WL 3493122, at *1 (D.D.C. Aug. 11, 2017). An Order consistent with this Memorandum Opinion is issued separately.

DATE: April 30, 2018


United States District Judge

**Additional material
from this filing is
available in the
Clerk's Office.**