

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-7054

September Term, 2018

1:17-cv-00605-TSC

Filed On: January 24, 2019

Parviz Karim-Panahi,

Appellant

v.

4000 Massachusetts Apartments, et al.,

Appellees

BEFORE: Garland, Chief Judge; Henderson, Rogers, Tatel, Griffith, Srinivasan, Millett, Pillard, Wilkins, and Katsas*, Circuit Judges

O R D E R

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Lynda M. Flippin
Deputy Clerk

* Circuit Judge Katsas did not participate in this matter.

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Filed On: January 24, 2019

Parviz Karim-Panahi,

Appellant

v.

4000 Massachusetts Apartments, et al.,

Appellees

BEFORE: Rogers, Srinivasan, and Wilkins, Circuit Judges

ORDER

Upon consideration of the petition for rehearing, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Lynda M. Flippin
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-7054

September Term, 2018

1:17-cv-00605-TSC

Filed On: November 1, 2018

Parviz Karim-Panahi,

Appellant

v.

4000 Massachusetts Apartments, et al.,

Appellees

BEFORE: Rogers, Srinivasan, and Wilkins, Circuit Judges

ORDER

Upon consideration of the motion to appoint counsel; and the motions for summary affirmance, the responses thereto combined with motions to reopen cases, the replies, and the response to the motion to reopen cases, it is

ORDERED that the motion to appoint counsel be denied. In civil cases, appellants are not entitled to appointment of counsel where they have not demonstrated sufficient likelihood of success on the merits. It is

FURTHER ORDERED that appellees' motions for summary affirmance be granted and, on the court's own motion, that the district court's March 27, 2018 order be affirmed as to the remaining appellees. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Appellant may not incorporate by reference pleadings filed in district court, and this court therefore will not consider such pleadings. Cf. Davis v. Pension Benefit Guar. Corp., 734 F.3d 1161, 1167 (D.C. Cir. 2013).

To survive a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), a complaint must set forth sufficient factual matter, accepted as true, to state a claim that is plausible on its face. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Appellant's complaint did not allege sufficient factual matter to support his federal law claims and common law civil conspiracy claim. See Atherton v. D.C. Office of the Mayor, 567 F.3d 672, 681-82 (D.C. Cir. 2009) ("[E]ven a pro se complainant must plead 'factual matter' that permits the court to infer 'more than the mere possibility of misconduct.'") (quoting Iqbal, 556 U.S. at 678). The district court properly dismissed those claims with prejudice. See Whiting v. AARP, 637 F.3d 355, 365 (D.C. Cir. 2011). And, because all

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of appellant's federal claims were properly dismissed, the district court properly declined to exercise supplemental jurisdiction over the discrimination claims arising under District of Columbia law. See 28 U.S.C. § 1367(c)(3). The court notes that dismissal of the claims under 28 U.S.C. § 1367(c)(3) is without prejudice. It is

FURTHER ORDERED that the motions to reopen appellant's prior cases be denied.

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

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

PARVIZ KARIM-PANAHİ,)
Plaintiff,)
v.) Civil Action No. 17-cv-00605 (TSC)
4000 MASSACHUSETTS)
APARTMENTS *et al.*,)
Defendants.)

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is
ORDERED that the Defendants' motions to dismiss (ECF Nos. 16, 18, 25, 27,
28, 34, 44, 50, 51, 61, 66) are **GRANTED**, and this case is **DISMISSED** with
prejudice.

This is a final appealable order.

Date: March 27, 2018

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge