

Mr. Richard Wally Rose
6951 West Virginia Avenue
Jacksonville, Florida 32209

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
1 First Street NE
Washington, DC, 20543-0001

Re: Rose v. United States
USCA DC No. 19-5191

Dear Clerk,

I Richard Wally Rose, Pro se, is requesting that your office do refile the petitioner's Writ of Certiorari, on the petitioner behalf under the out of time status on the following grounds;

1. the petitioner is not an attorney and have no access to a law library or legal help.
2. the petitioner was confusing the time period to file his writ of certiorari, final Judgment or the issue of the mandate.
3. and the writ of certiorari should be review by the court on its merits and the court judicial discretion that this has, that can be obtained in any other form or any other court.

Petitioner prays that the view this request as liberal and true in the of Justice

Sincerely,

Richard Wally Rose

September 15, 2020
Jacksonville, Florida 32209

6951 West Virginia Ave

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5191

September Term, 2019

1:18-cv-02199-TSC

Filed On: January 16, 2020

Richard W. Rose,

Appellant

v.

United States Department of Justice,

Appellee

BEFORE: Henderson, Srinivasan, and Katsas, Circuit Judges

ORDER

Upon consideration of the motion to appoint counsel and the supplement thereto, the "Motion of Dispositive and Leave to Amend," the "Motion of Summary Judgment in Favor of Appellant," and the "Motion to Verify Paragraph 7 of the Motion of Dispositive and Leave to Amend," which the court construes as motions for summary reversal and a motion for leave to amend, and the motion for summary affirmance, it is

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

FURTHER ORDERED that the motions for summary reversal be denied and the motion for summary affirmance be granted. 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). The district court correctly granted summary judgment to appellees. See 5 U.S.C. § 552(3)(A) ("[E]ach agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person."). In Freedom of Information Act cases where the government has presented a declaration that is "relatively detailed and non-conclusory," summary judgment may be granted in favor of the government on the basis of that declaration. SafeCard Servs., Inc. v. SEC, 926 F.2d 1197, 1200 (D.C. Cir. 1991). The government's summary judgment motion relied on a declaration containing a detailed description of its search for appellant's FOIA requests, and stating that there was no indication that it had ever received appellant's requests. Cf. Citizens for Responsibility and Ethics in Washington v. Fed.

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Election Comm'n, 711 F.3d 180, 185 n.3 (D.C. Cir. 2013) (stating that "the duties that FOIA imposes on agencies . . . apply only once an agency has received a proper FOIA request"). It is

FURTHER ORDERED that appellant's motion for leave to amend be denied without prejudice to filing a new complaint in the district court with respect to his FOIA request dated May 13, 2019.

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

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