APPENDIX "A"

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL KWAKU GBEDEMAH,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY, *et al.*,

Defendants.

Case: 1:20-mc-00128
Assigned To : Unassigned
Assign. Date : 12/31/2020
Description: Misc.

Chief Judge Beryl A. Howell

ORDER

Pending before the Court is plaintiff Daniel Kawku Gbedemah's *pro se* Sealed Complaint, containing a request to proceed under seal that the Court will construe as a motion to proceed under seal. Compl. ¶ 27.[1] The plaintiff's motion is denied.

"The starting point in considering a motion to seal court records is a strong presumption in favor of public access to judicial proceedings." *Hardaway v. D.C. Hous. Auth.*, 843 F.3d 973, 980 (D.C. Cir. 2016) (quoting *EEOC v. Nat'l Children's Ctr., Inc.*, 98 F.3d 1406, 1409 (D.C. Cir. 1996)). In a typical motion to seal court filings, courts consider six factors, originally identified in *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980), in determining whether that presumption may be overcome.[2] When, however, a plaintiff initiating a lawsuit moves to

[1] The Chief Judge is tasked with "hear[ing] and determin[ing] . . . motions in any case not already assigned" including "motion[s] to seal the complaint." *See* LCvR 40.7(f). *See also* LCvR 5.1(h)(1) ("Absent statutory authority, no case or document may be sealed without an order from the Court.")

[2] Those factors are:

> (1) the need for public access to the documents at issue; (2) the extent of previous public access to the documents; (3) the fact that someone has objected to disclosure, and the identity of that person; (4) the strength of any property and privacy interests asserted; (5) the possibility of prejudice to those opposing disclosure; and (6) the purposes for which the documents were introduced during the judicial proceedings.

file a case under seal simultaneously with the filing of the complaint, the motion is more akin to a request to proceed under a pseudonym. In both contexts, the plaintiff is seeking to conceal his identity from the public and thus the same interests are at stake. The requirement that the names of litigants be known to the public promotes a "presumption in favor of disclosure [of litigants' identities], which stems from the 'general public interest in the openness of governmental processes,' . . . and, more specifically, from the tradition of open judicial proceedings." *In re Sealed Case*, 931 F.3d 92, 96 (D.C. Cir. 2019) (internal citations omitted) (quoting *Wash. Legal Found. v. U.S. Sentencing Comm'n*, 89 F.3d 897, 899 (D.C. Cir. 1996)); *see also* FED. R. CIV. P. 10(a) ("The title of the complaint must name all the parties."); LCvR 5.1(c)(1) ("The first filing by or on behalf of a party shall have in the caption the name and full residence address of the party," and "[f]ailure to provide the address information within 30 days of filing may result in the dismissal of the case against the defendant."); LCvR 11.1 (same requirement as LCvR 5.1(c)(1)). Accordingly, "parties to a lawsuit must typically openly identify themselves in their pleadings." *United States v. Microsoft Corp.*, 56 F.3d 1448, 1463–64 (D.C. Cir. 1995) (per curiam) (internal quotation marks and citations omitted).

Nevertheless, courts have, in special circumstances, permitted a party to proceed anonymously. A party seeking to do so, however, "bears the weighty burden of both demonstrating a concrete need for such secrecy and identifying the consequences that would likely befall it if forced to proceed in its own name." *Id.* Once that showing has been made, "the court must then 'balance the litigant's legitimate interest in anonymity against countervailing interests in full disclosure.'" *Id.* (quoting *In re Sealed Case*, 931 F.3d at 96). When weighing those concerns, five factors, initially drawn from *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir.

Metlife, Inc. v. Fin. Stability Oversight Council, 865 F.3d 661, 665 (D.C. Cir. 2017) (quoting *Nat'l Children's Ctr.*, 98 F.3d at 1409 (citing *Hubbard*, 650 F.2d at 317–22)).

1993), serve as "guideposts from which a court ought to begin its analysis." *In re Sealed Case*, 931 F.3d at 97. These five factors are:

> (1) whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of [a] sensitive and highly personal nature; (2) whether identification poses a risk of retaliatory physical or mental harm to the requesting party or[,] even more critically, to innocent non-parties; (3) the ages of the persons whose privacy interests are sought to be protected; (4) whether the action is against a governmental or private party; and relatedly, (5) the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

Id. (citing *James*, 6 F.3d at 238).

At the same time, a court must not simply "engage in a wooden exercise of ticking the five boxes." *Id.* Rather, the "balancing test is necessarily flexible and fact driven" and the five factors are "non-exhaustive." *In re Sealed Case*, 971 F.3d 324, 326 (D.C. Cir. 2020). In exercising discretion "to grant the rare dispensation of anonymity . . . the court has 'a judicial duty to inquire into the circumstances of particular cases to determine whether the dispensation is warranted' . . . tak[ing] into account the risk of unfairness to the opposing party, as well the customary and constitutionally-embedded presumption of openness in judicial proceedings." *Microsoft Corp.*, 56 F.3d at 1464 (quoting *James*, 6 F.3d at 238 (other internal citations and quotation marks omitted)).

As noted above, an attempt to seal a case from its inception is more akin to an attempt to proceed anonymously than it is to the sealing of particular documents that contain sensitive information. Thus, it is the factors described in *In re Sealed* case that guide this inquiry.

Plaintiff has not filed a motion to proceed under seal, but his complaint is titled "Sealed Complaint Pursuant to Alien Tort Statute & Torture Victims Protection Act," and the complaint states that plaintiff "will seek leave of the court to proceed under 'seal,'" which the Court construes as a motion to proceed under seal. Compl. ¶ 27. Plaintiff's complaint, however,

provides no discussion of the relevant factors, let alone facts upon which the analysis prescribed in *In re Sealed Case* might be performed. *See id.* ¶ 27–29. It merely describes aspects of plaintiff's genealogy that are irrelevant to the request to proceed under seal and makes the similarly irrelevant assertion that one of the defendants is "an analyst at the Pentagon." *Id.* ¶ 29. Plaintiff also vaguely states that "a determination of sensitivity and classifications may be required for this action to proceed" but does not provide any relevant information to support this assertion. *Id.* Without any justification for allowing the plaintiff to seal his case, the "presumption in favor of disclosure" is unrebutted, and the action will not be sealed. *In re Sealed Case*, 931 F.3d at 96.

For the foregoing reasons, it is hereby

ORDERED that the plaintiff's Motion for Leave to Proceed Under Seal is **DENIED**; and it is further

ORDERED that the Clerk is directed not to file the plaintiff's Complaint until the plaintiff submits notice that the request to seal is withdrawn and the plaintiff seeks to proceed with filing the Complaint on the public docket, or the plaintiff supplements the request to seal or proceed by pseudonym by addressing the appropriate factors.

SO ORDERED.

Date: December 31, 2020

BERYL A. HOWELL
Chief Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DANIEL KWAKU GBEDEMAH,

Plaintiff,

v.

U.S. CENTRAL INTELLIGENCE AGENCY *et al.*,

Defendants.

No. 21-cv-438 (DLF)

ORDER

Plaintiff Daniel Kwaku Gbedemah, proceeding *pro se*, brings this action against the U.S. Central Intelligence Agency, the governments of Britain, France, Germany, and Ghana, and an individual, alleging that they conspired to inject him with a contaminated polio vaccine. Before the Court is defendant CIA's Motion to Dismiss Case as Frivolous, Dkt. 17, and defendant Ghana's Motion to Dismiss Complaint, Dkt. 24. Also before the Court is the plaintiff's Motion for Joinder, Dkt. 20, Motion for Leave to File Amended Complaint, Dkt. 36, Motion for Default Judgment, Dkt. 38, and Motion for Order, Dkt. 39. For the reasons that follow, the Court will dismiss the complaint and will deny the plaintiff's motions. The Court will also dismiss defendant-Governments Britain, France, and Germany for failure to effectuate service of process.

The plaintiff, a Ghana resident, claims that he was the subject of a "Poliomyelitis human medical research experiment" at the Korle Bu Teaching Hospital in Accra, Ghana as a toddler in the 1950s. Compl. ¶ 1, Dkt. 1. He alleges that "the Defendants Colonial Governments, including the United States of America" bribed Ghana's Minister of Health, K.A. Gbedemah, to have the plaintiff injected, without "Parental Consent," with a contaminated polio vaccine

produced by Cutter Laboratories in California. *Id.* This left the plaintiff paralyzed. *Id.* The plaintiff claims that his father, K.A. Gbedemah's cousin, was "'slayed' to cover up the actions of the above Defendants." *Id.* (emphasis omitted). He further alleges that the individual defendant, Emefa Kokui Gbedemah[1]—who was "bio-engineered through the first fertility clinic in Ghana"—inherited "stolen funds" from the "Cutter Laboratories Contaminated Vaccine Settlements" that the United States paid to K.A. Gbedemah. *Id.* ¶¶ 15, 21–22. According to the plaintiff, these alleged actions violate the "Nuremberg Code, Declaration of Helsinki, and the International Covenant on Civil and Political Rights and Customary International law. (Law of Nations)." *Id.* ¶ 13.

The rest of the plaintiff's 32-page complaint—plus numerous exhibits—contains confusing and fantastic details, replete with "allegations [that] are conclusory and too lengthy to recount in detail here." *Richards v. Duke Univ.*, 480 F. Supp. 2d 222, 228 (D.D.C. 2007). The complaint alleges that K.A. Gbedemah worked as an "unclassified spy" for the United States and that his "greed" tainted the relationship, and it digresses into speculation over his "Right Wing" ideology. Compl. ¶¶ 10, 19, 20. It further claims that his "greed" led him to violate U.S. laws and regulations by bribing the CIA to export vaccines without FDA approval, and that the CIA should have "conducted a psychological profile on their spy" instead of feeding his "addiction . . . for money." *Id.* ¶ 26. And it tells the seemingly irrelevant story of the Olympio family and its connections to "colonialist history" and the defendant Governments. *Id.* ¶¶ 5–9, 27–34.

[1] In the plaintiff's proposed amended complaint, he substitutes a different defendant—Seyram Goldie Gbedemah—in place of the original defendant, Emefa Kokui Gbedemah. *See* Suppl. Compl. ¶¶ 14-15, Dkt. 36-1. The allegations against both are the same, except that he describes Emefa as a "Cyber Threats Analyst" for the U.S. government, Compl. ¶ 15, while Seyram is a private citizen who is "fortified in the cantonment behind the United States Embassy in Accra-Ghana," Suppl. Compl. ¶¶ 15, 20.

The plaintiff seeks relief under the Torture Victim Protections Act and the Alien Tort Statute. *Id.* ¶¶ 60, 68. Defendants U.S. CIA and Ghana have moved to dismiss under Fed. R. Civ. P. 12(b)(1) and 12(b)(6). *See* CIA Mot. to Dismiss at 1; Ghana Mot. to Dismiss at 1–2. The plaintiff responded to these motions, *see* Dkts. 19, 31, and has himself filed numerous motions, including to amend his complaint, *see* Dkt. 36, and to add Charles Asiedu Yirenkye as a plaintiff, *see* Dkt. 20. All motions are ripe for resolution.

First, the Court denies the plaintiff's motion for joinder. He seeks to add Yirenkye as a plaintiff pursuant to Fed. R. Civ. P. 15 and 20(a)(1). He claims that in the 1960s, Yirenkye's mother was injured by a bomb hidden in a flower bouquet given to her by the CIA and the other defendants. Pl.'s Mot. for Joinder at 7–8. These allegations are entirely unrelated to the plaintiff's claims regarding his polio vaccine in the 1950s. Accordingly, the plaintiff and Yirenkye do not "assert any right to relief . . . with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences." Fed. R. Civ. P. 20(a)(1). Nor do their claims share any common "question of law or fact." *Id.* Thus, the plaintiff cannot amend his complaint to join a new plaintiff.[2]

Next, the Court dismisses the complaint for lack of jurisdiction. A court that lacks jurisdiction must dismiss the action. Fed. R. Civ. P. 12(b)(1), 12(h)(3). Federal law empowers federal district courts to hear only certain kinds of cases, and it is "presumed that a cause lies outside this limited jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). When deciding a Rule 12(b)(1) motion, the court must "assume the truth of all material

[2] Yirenkye also does not meet the standard for intervention, either as of right or permissively, under Fed. R. Civ. P. 24 (which the plaintiff does not cite). The plaintiff's motion does not cite a federal statute that gives Yirenkye a right to intervene. Fed R. Civ. P. 24(a)(1), (b)(1)(A). Yirenkye does not "claim[] an interest relating to the property or transaction that is the subject of the action." Fed. R. Civ. P. 24(a)(2). And he does not have "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B).

factual allegations in the complaint and construe the complaint liberally, granting plaintiff the benefit of all inferences that can be derived from the facts alleged, and upon such facts determine [the] jurisdictional questions." *Am. Nat. Ins. Co. v. FDIC*, 642 F.3d 1137, 1139 (D.C. Cir. 2011) (internal quotation marks omitted). Nonetheless, the burden is on the plaintiff to establish subject-matter jurisdiction. *Arpaio v. Obama*, 797 F.3d 11, 19 (D.C. Cir. 2015). And the court "may undertake an independent investigation" that examines "facts developed in the record beyond the complaint" to "assure itself of its own subject matter jurisdiction." *Settles v. U.S. Parole Comm'n*, 429 F.3d 1098, 1107 (D.C. Cir. 2005) (internal quotation marks omitted).

Federal courts "are without power to entertain claims otherwise within their jurisdiction if they are 'so attenuated and unsubstantial as to be absolutely devoid of merit.'" *Curran v. Holder*, 626 F. Supp. 2d 30, 33 (D.D.C. 2009) (quoting *Hagans v. Lavine*, 415 U.S. 528, 536–37 (1974)). "Although this is a tool seldom employed, a court can invoke Rule 12(b)(1) to dismiss a plaintiff's complaint that is 'patently insubstantial, presenting no federal question suitable for decision.'" *Walsh v. Comey*, 118 F. Supp. 3d 22, 25 (D.D.C. 2015) (quoting *Best v. Kelly*, 39 F.3d 328, 330 (D.C. Cir. 1994)). The claims must be "flimsier than doubtful or questionable—they must be essentially fictitious." *Id.* These include "bizarre conspiracies theories" and "any fantastic government manipulations." *Best*, 39 F.3d at 330.

Here, the plaintiff alleges that several countries conspired to use him as a "guinea pig" to test polio vaccines over half a century ago, with the money that was he was owed instead "stolen" in favor of a "bio-engineered" individual. Despite the complaint's copious details about spies for the United States, a coup in Ghana, and the plaintiff's DNA, it contains *no* concrete details about how the defendants successfully conspired to inject the plaintiff with a

contaminated vaccine.[3] *See Richards*, 480 F. Supp. 2d at 233 (dismissing under Rule 12(b)(1), explaining that offering a "laundry list of wrongful acts and conclusory allegations" is "insufficient" to support a theory of conspiracy). Though the Court acknowledges that a *pro se* complaint "must be held to less stringent standards than formal pleadings drafted by lawyers," *Brown v. District of Columbia*, 514 F.3d 1279, 1283 (D.C. Cir. 2008) (internal quotation omitted), it nevertheless concludes that the plaintiff's "unsupported allegations of bizarre conspiracy theories involving fantastic government manipulations are essentially fictitious and thus will be dismissed under Rule 12(b)(1)," *Bickford v. Gov't of U.S.*, 808 F. Supp. 2d 175, 182 (D.D.C. 2011) (internal quotation omitted). Indeed, claims of government conspiracies, medical interference, and use of plaintiffs as "test subjects" are often dismissed under the *Best v. Kelly* standard. *See, e.g.*, *Walsh*, 118 F. Supp. 3d at 26 (decades-long, government-wide conspiracy against plaintiff, perpetrated by high-level officials); *Backus v. Placer Cnty.*, No. 12-cv-46, 2012 WL 2562358, at *1 (E.D. Cal. June 29, 2012) (conspiracy claim that government used plaintiff as a "test subject" for "RF wave, microwave and laser assault systems of invisible warfare"); *Rogers v. Obama*, No. 12-cv-2652, 2012 WL 5356046, at *1 (conspiracy theory that the President and First Lady infected plaintiff's sister with shingles); *Roum v. Bush*, 461 F. Supp. 2d 40, 46 (D.D.C. 2006) (CIA and FBI conspiracy to poison plaintiff and implant a chip in his body). Therefore, dismissal under Rule 12(b)(1) is warranted.[4]

[3] Plus, according to a declaration attached to Ghana's motion to dismiss, there are "no records of any immunization activity for Polio" at the Korle Bu Teaching Hospital between 1923 and 1978. *See* Ghana Mot. to Dismiss, Decl. ¶ 3, Dkt. 24-2. This supports the Court's conclusion that the plaintiff's claims are essentially fictitious. *See Worth v. Jackson*, 483 F. Supp. 2d 1, 4 (D.D.C. 2004) ("When reviewing a challenge pursuant to Rule 12(b)(1), the Court may consider documents outside the pleadings to assure itself that it has jurisdiction.").

[4] Accordingly, the Court need not reach Ghana's argument that the Court lacks subject-matter jurisdiction because Ghana has foreign sovereign immunity. *See* Ghana Mot. to Dismiss at 11.

The Court also denies the plaintiff's motion to amend his complaint. Though the Court must "freely" grant leave to amend "when justice so requires," Fed. R. Civ. P. 15(a)(2), this "does not mean that a motion for leave to amend must be granted as a matter of course." *Hedgeye Risk Mgmt., LLC v. Heldman*, 271 F. Supp. 3d 181, 191 (D.D.C. 2017). A motion for leave to amend can be denied when such amendment would be futile. *Foman v. Davis*, 371 U.S. 178, 182 (1962). Such is the case here. The plaintiff's amended complaint seeks to add two new defendants, the World Health Organization and the U.S. Centers for Disease Control and Prevention, alleging that they were part of the conspiracy to use him for a medical research experiment. Suppl. Compl. ¶ 1. This allegation does nothing to change the "essentially fictitious" nature of the claims that divests the Court of jurisdiction.

Finally, the Court denies the plaintiff's motion for default judgment and motion for an order deeming service effectuated on defendant-Governments Germany, France, and Britain. Though the Court has given the plaintiff multiple opportunities, he has failed to prove service as to these defendants and has not shown good cause for his failure. The plaintiff filed the complaint in this action on February 10, 2021. On April 14, 2021, he had not filed proof of service on any defendant, and so the Court directed him to Fed. R. Civ. P. 4(m) and ordered him to file proof of service, or show good cause for the failure to do so, on or before May 11, 2021. On April 23, 2021, he filed proof of service as to defendant-Governments Germany, France, and Britain, but he did not show that he properly effected service pursuant to Fed. R. Civ. P. 4(j) and the service provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(1)-(4). *See* May 26, 2021 Minute Order. The Court ordered him to cause process to be served upon those defendants, or establish good cause for the failure to do so, on or before June 25, 2021. As of November 11, 2021, he still had not done so. The Court extended his deadline to December 11,

2021, explaining that "the plaintiff's failure to make such filings may result in dismissal of these defendants." November 11, 2021 Minute Order.

Since then, the plaintiff has sent multiple requests for waiver of service to these defendants, *see* Dkts. 32, 37, and he has filed an affidavit of service as to Britain, but not the other defendant-Governments, *see* Dkt. 35. But even that attempt to serve was faulty: he served the Foreign Affairs Office, while under the Hague Convention, service upon the United Kingdom must be effected through "The Senior Master for the attention of the Foreign Process Section." *Richardson v. Atty Gen. of the British Virgin Islands*, No. 2008-cv-144, 2013 WL 4494975, at *12 (D.V.I. Aug. 20, 2013). "Although the deadline for serving process within 90 days does not apply to service in a foreign country, that does not mean there is no time limit for service." *Ofisi v. BNP Paribas, S.A.*, 278 F. Supp. 3d 84, 92 n.1 (D.D.C. 2017) (internal quotation omitted). Instead, failure to diligently attempt service will result in dismissal. *See Angellino v. Royal Family Al-Saud*, 688 F.3d 771, 775–78 (D.C. Cir. 2012) (explaining that a "lengthy period of inactivity" warrants dismissal). The plaintiff has not attempted to serve France or Germany since May 2021, and his attempts to serve Britain have been repeatedly faulty, despite the Court's instructions. Therefore, in addition to the grounds stated above, the Court dismisses the complaint against these defendants for failure to effectuate service of process.

Accordingly, it is

ORDERED that the U.S. CIA's Motion to Dismiss Case as Frivolous, Dkt. 17, is **GRANTED**. It is further

ORDERED that the Government of Ghana's Motion to Dismiss Complaint, Dkt. 24, is **GRANTED**. It is further

ORDERED that the plaintiff's Motion for Joinder, Dkt. 20, is **DENIED**. It is further

ORDERED that the plaintiff's Motion for Leave to File Amended Complaint, Dkt. 36, is **DENIED**. It is further

ORDERED that the plaintiff's Motion for Default Judgment, Dkt. 38, is **DENIED**. It is further

ORDERED that the plaintiff's Motion for Order, Dkt. 39, is **DENIED**. It is further

ORDERED that the plaintiff's complaint is **DISMISSED** for lack of jurisdiction. It is further

ORDERED that the plaintiff's complaint is **DISMISSED** against defendant-Governments Britain, France, and Germany for failure to effectuate service of process.

The Clerk of Court is directed to Close this Case.

Dabney L. Friedrich

DABNEY L. FRIEDRICH
United States District Judge

March 17, 2022

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5154 **September Term, 2021**

1:21-cv-00438-DLF

Filed On: October 5, 2021

In re: Daniel Kwaku Gbedemah,

Petitioner

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

ORDER

Upon consideration of the petition for writ of mandamus and the amendment thereto; the motion to join respondent; and the response to the court's order filed July 2, 2021, and the supplement thereto, styled as a "motion for a procedural order," it is

ORDERED that the petition for writ of mandamus be denied in part and dismissed as moot in part. To the extent petitioner seeks an order compelling the district court to accept as valid his service of process on several foreign governments, the petition is denied because petitioner has not shown that he has a "clear and indisputable right" to the relief he seeks. See Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 289 (1988). Appellant may not use mandamus as a substitute for appeal. See Doe v. Exxon Mobil Corp., 473 F.3d 345, 353 (D.C. Cir. 2007). To the extent petitioner seeks an order compelling the clerk of the district court to docket certain motions, the petition is dismissed as moot because those motions have now been docketed. It is

FURTHER ORDERED that the motion to join respondent be dismissed as moot.

To the extent appellant seeks relief with respect to the docketing fee, the court confirms that his June payment of the fee was returned to him but that his July payment of the fee has been accepted.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Manuel J. Castro
Deputy Clerk

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5088 **September Term, 2021**

1:21-cv-00438-DLF

Filed On: July 28, 2022

Daniel Kwaku Gbedemah,

Appellant

v.

Central Intelligence Agency, et al.,

Appellees

BEFORE: Rogers, Millett, and Wilkins, Circuit Judges

ORDER

Upon consideration of the motions for summary affirmance, the opposition thereto, the replies, and the surreply, it is

ORDERED that the motions for summary affirmance be granted and, on the court's own motion, that the district court's dismissal of appellant's claims against appellees Britain, France, and Germany be summarily affirmed. 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). With respect to all appellees, the district court did not err in dismissing appellant's complaint for lack of jurisdiction on the basis that it was patently insubstantial. See Tooley v. Napolitano, 586 F.3d 1006, 1009–10 (D.C. Cir. 2009); Best v. Kelly, 39 F.3d 328, 330 (D.C. Cir. 1994). The court also properly dismissed appellant's complaint against appellees Britain, France, and Germany for failure to effectuate service of process because appellant failed to prove service upon these defendants, and had not shown good cause for his failure, despite having been given multiple opportunities to do so by the district court. See 28 U.S.C. § 1608(a)(3); Barot v. Embassy of the Republic of Zambia, 785 F.3d 26, 27 (D.C. Cir. 2015). Next, appellant has not shown any abuse of discretion in the court's denial of his request to amend his complaint on the basis that his proposed amendments would be futile. See Williams v. Lew, 819 F.3d 466, 471 (D.C. Cir. 2016). Finally, Appellant has forfeited any challenges to the district court's disposition of his other motions by failing to raise them on appeal. See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004).

APPENDIX "G"

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5088 **September Term, 2021**

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