

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-7097

September Term, 2023

1:23-cv-01926-UNA

Filed On: October 30, 2023

Georgios V. Vloutis,

Appellant

v.

Deutsche Lufthansa Aktiengesellschaft,

Appellee

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

BEFORE: Wilkins, Katsas, and Walker, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief and supplement filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing and the motion to appoint counsel, 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 AND ADJUDGED that the district court's order filed July 6, 2023 be affirmed. The district court properly dismissed appellant's case on the ground that the complaint failed to state a plausible claim upon which relief may be granted because his complaint alleged in conclusory fashion that appellee was liable for terrorists mishandling his lost airplane luggage. See 28 U.S.C. § 1915(e)(2)(B)(ii); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (requiring a complaint to contain sufficient factual matter, alleged in non-conclusory terms, to state a claim to relief that is plausible on its face).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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/
Daniel J. Reidy
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GEORGIOS V. VLOUTIS,

Plaintiff,

v.

DEUTSCHE LUFTHANSA
AKHENGESSELL SCHAFT,

Defendant.

Civil Action No. 23-1926 (UNA)

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* (ECF No. 2), his *pro se* complaint (ECF No. 1), and motions for CM/ECF User Name and Password (ECF No. 3), Motion to the Court Not to Publish My Address (ECF No. 4), and Motion Regarding Plaintiff's Notifications as Noted as Voice Prints (ECF No. 5). The Court will grant the application, dismiss the complaint without prejudice, and deny the motions.

The Federal Rules of Civil Procedure require that a complaint contain "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 Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Further, a complaint must "contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 570). A claim is facially plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* (quoting *Twombly*, 550 U.S. at 556). Although a *pro se* complaint is "held to less stringent standards than formal pleadings drafted by lawyers," *Erickson v. Pardus*,


551 U.S. 89, 94 (2007) (per curiam) (internal quotation marks and citation omitted), it “must plead ‘factual matter’ that permits the court to infer ‘more than the mere possibility of misconduct,’” *Atherton v. District of Columbia Office of the Mayor*, 567 F.3d 672, 681-82 (D.C. Cir. 2009) (quoting *Iqbal*, 556 U.S. at 678-79). As drafted, the complaint fails to meet these goals.

On February 21, 2022, plaintiff arrived at the airport in Houston, Texas; his luggage did not. *See* Compl. at 4. According to plaintiff, his missing luggage was returned to him six days later, after it had “been opened and handled by terrorist.” *Id.* Plaintiff faulted defendant for failing to perform “spectrographic voice prints of terrorist and/or terrorist sympathizers working for Lufthansa at locations in USA, Europe, Asia, Africa and South America.” *Id.* He deemed Lufthansa “a terrorism supporting corporation,” the negligence of which caused plaintiff to receive death threats and experience “severe health issues [and] emotional distress[.]” *Id.* He has demanded damages of \$40 million “because Lufthansa . . . allows terrorist[s] to work at Lufthansa locations worldwide.” *Id.*

In wholly conclusory fashion, plaintiff attributes death threats, physical ailments and emotional distress to terrorists in defendant’s employ. The complaint alleges no facts from which the Court could infer more than the mere possibility of defendant’s misconduct.

Accordingly, the Court will dismiss the complaint and this civil action without prejudice. An Order is issued separately.

DATE: July 6, 2023

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TREVOR N. McFADDEN
United States District Judge

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