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**ORDER, U.S. COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT
(NOVEMBER 14, 2024)**

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

HAROLD JEAN-BAPTISTE,

Appellant,

v.

UNITED STATES
DEPARTMENT OF JUSTICE, ET AL.,

Appellees.

No. 24-5183

September Term, 2024

District Court No. 1:23-cv-01345-CJN

Before: WILKINS, PAN, and GARCIA, Circuit Judges

ORDER

Upon consideration of appellant's brief, which includes a request for default judgment; and the motion for leave to file a motion for summary affirmance out of time, the lodged motion for summary affirmance, and the opposition thereto, it is

ORDERED that the request for default judgment be denied. Federal Rule of Appellate

Procedure 15(b)(2) does not provide for a grant of default judgment in an appeal from a district court order. It is

FURTHER ORDERED that the motion for leave to file a motion for summary affirmance out of time be granted. It is

FURTHER ORDERED that the motion for summary affirmance be granted and that the district court's order entered August 6, 2024 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). The district court properly denied appellant's motion for default judgment because the appellees responded to the amended complaint within the deadline as extended by the district court. *See Fed. R. Civ. P. 6(b)(1)(B); Fed. R. Civ. P. 55(a)*. Additionally, appellant has not challenged the district court's denial of his motion for sanctions, and thus he has forfeited any such challenge. *See United States ex rel. Totten v. Bombardier Corp.*, 380 F.3d 488, 497 (D.C. Cir. 2004) ("Ordinarily, arguments that parties do not make on appeal are deemed to have been waived."). The district court also properly dismissed appellant's amended complaint for lack of jurisdiction because the complaint 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). Finally, appellant's allegations of judicial bias are without merit. *See Liteky v. United States*, 510 U.S. 540, 555 (1994) ("[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion.").

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

**ORDER, U.S. DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA
(AUGUST 6, 2024)**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD JEAN-BAPTISTE,

Plaintiff,

v.

DEPARTMENT OF JUSTICE, ET AL.,

Defendants.

Civil Action No. 1:23-cv-1345 (CJN)

Before: Carl J. NICHOLS, United States District Judge

ORDER

Pro se plaintiff Harold Jean-Baptiste has filed yet another complaint alleging that he has been targeted by the FBI. *See, e.g., Jean-Baptiste v. DOJ*, No. 23-cv-1054, 2023 WL 336770, at *1 (D.D.C. May 31, 2023) (dismissing complaint for lack of subject matter jurisdiction because it was frivolous); *Jean-Baptiste v. DOJ*, No. 23-cv-2298, ECF No. 18 (prohibiting Jean-Baptiste from filing new actions without first obtaining leave).

Jean-Baptiste's "allegations regarding a federal government conspiracy" against him have previously been dismissed "for patent insubstantiality." *Jean-*

Baptiste, 2023 WL 336770, at *1 (quoting *Tooley v. Napolitano*, 586 F.3d 1006, 1010 (D.C. Cir. 2009)) (explaining that patently insubstantial complaints must be dismissed *sua sponte* for lack of subject-matter jurisdiction); *see also Hagans v. Lavine*, 415 U.S. 528, 536 (1974) (stating that Courts cannot exercise subject-matter jurisdiction over complaints that are “so attenuated and unsubstantial as to be absolutely devoid of merit” (cleaned up)); *Best v. Kelly*, 39 F.3d 328, 330 (D.C. Cir. 1994). This complaint is more of the same, so the result is the same: The Court will dismiss for lack of subject-matter jurisdiction.¹

It is therefore **ORDERED** that the case is **DISMISSED** for lack of jurisdiction.

The Clerk is directed to terminate this case.

This is a final appealable order.

/s/ Carl J. Nichols
United States District Judge

DATE: August 6, 2024

¹ Jean-Baptiste’s motion for sanctions, ECF No. 19, is also frivolous and is also denied.

**ORDER DENYING PETITION FOR
REHEARING, U.S. COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT
(JANUARY 13, 2025)**

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

HAROLD JEAN-BAPTISTE,

Appellant,

v.

UNITED STATES
DEPARTMENT OF JUSTICE, ET AL.,

Appellees.

No. 24-5183

September Term, 2024

1:23-cv-01345-CJN

Before: SRINIVASAN, Chief Judge, and
HENDERSON, MILLETT, PILLARD, WILKINS,
KATSAS, RAO, WALKER, CHILDS, PAN, and
GARCIA, Circuit Judges

ORDER

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

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ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk