

**District of Columbia
Court of Appeals**

No. 23-CV-0073

JEFFREY T. DANIELS,

Appellant,

v.

2021-CA-003483-B

SO OTHERS MIGHT EAT, *et al.*,
Appellees.

BEFORE: McLeese, Howard, and Shanker, Associate Judges.

O R D E R

On consideration of appellant's petition for rehearing, it is

ORDERED that appellant's petition for rehearing is denied.

PER CURIAM

Copies emailed to:

Honorable Shana Frost Matini

Director, Civil Division

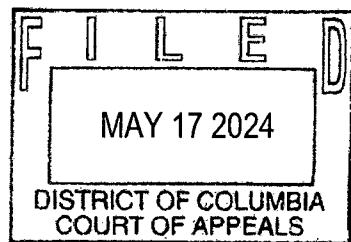
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525 Mellon Street, SE
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Washington, DC 20032

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William P. Cannon, III, Esquire

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**District of Columbia
Court of Appeals**

05/28/2024

No. 23-CV-0073

JEFFREY T. DANIELS,

Appellant,

2021-CA-003483-B

v.

SO OTHERS MIGHT EAT, *et al.*,
Appellees.

Zabrina W. Dempson, Clerk
Superior Court of the District of Columbia

Dear Ms. Dempson:

The attached certified copy of the Decision in this case, pursuant to Rule 41(a) of the Rules of this Court, constitutes the mandate issued this date.

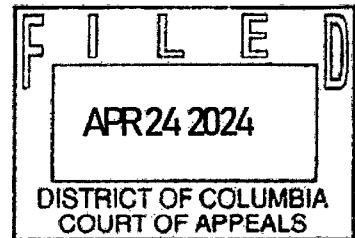
JULIO A. CASTILLO
Clerk of the Court

DISTRICT OF COLUMBIA COURT OF APPEALS

No. 23-CV-0073

JEFFREY T. DANIELS, APPELLANT,

v.



SO OTHERS MIGHT EAT, *et al.*, APPELLEES.

Appeal from the Superior Court of the
District of Columbia
(2021-CA-003483-B)

(Hon. Shana Frost Matini, Trial Judge)

(Submitted January 30, 2024)

Decided April 24, 2024)

Before MCLEESE, HOWARD, and SHANKER, *Associate Judges*.

MEMORANDUM OPINION AND JUDGMENT

PER CURIAM: Appellant Jeffrey T. Daniels seeks reversal of the trial court's denial of his Motion for Reconsideration of its dismissal of his case. He contends that the trial judge erred and abused her discretion in denying reconsideration. As a predicate to his motion for reconsideration, he also contends that the trial judge erred in granting So Others Might Eat's ("S.O.M.E.'s") motion to dismiss. We are not persuaded by Mr. Daniels's arguments and affirm the trial court's decision.

I. Background

Mr. Daniels lives on a property managed by S.O.M.E., referred to as Marian's House. He originally filed suit against S.O.M.E. on September 29, 2021, alleging that he was treated unfairly and that someone was invading his living space, swapping out his garments for newer ones, and stealing his items. He sought the return of four years' worth of rent, before continually amending his complaint to seek increased monetary damages and to add employees of S.O.M.E. as defendants. On appeal, he summarizes the substance of his suit as follows: He believes a variety of events are occurring in his apartment, which he describes as creating some kind of

“quid pro quo,” as well as the repeated misuse of some unbalanced “aristocratic power.”

Mr. Daniels alleges that: (1) his property is being disturbed or stolen; (2) his chair was removed and replaced with one of lower quality; (3) a book he wrote about himself went missing; (4) his broken cell phone was taken, but replaced with a new phone; and (5) an intruder is leaving his floor dirty. He further states that the alleged perpetrators do anything they want, though he has never seen them; someone is spying on him; and someone has been trying to poison him. Mr. Daniels says someone lives in his unit, takes whatever he or she wants when Mr. Daniels leaves, and mumbles to disturb Mr. Daniels’s peace.

As far as allegations toward S.O.M.E. in his complaints, Mr. Daniels states that “Marian’s House has become shady,” some of the administrators are breaching their duties by “looking the other way when wrong is taking place,” and there are wrong things ongoing. In his brief on appeal, Mr. Daniels alleges that S.O.M.E. employee Belinda Sealey should have shown him his unit and told him someone would be spying on him before he moved in, and another S.O.M.E. employee, Linette Woods, did not investigate his issues. Mr. Daniels initially claimed S.O.M.E. owed him \$40,000 for unstated reasons, but he has now raised his requested damages to \$1,520,000 based on a theory of “lack of professionalism through negligence.”

On November 8, 2022, S.O.M.E. filed a motion to dismiss the complaint for failure to state a claim upon which relief could be granted and for improperly naming defendants. Mr. Daniels responded to the motion on November 21 and 22. On December 16, 2022, the trial court granted S.O.M.E.’s motion to dismiss, “finding that Plaintiff had failed to set forth any facts that could lead to a conclusion that the named Defendants were at all involved with the problems that Plaintiff was having in his apartment.”

On December 20, 2022, Mr. Daniels filed a motion to reopen. He argued that the trial court overlooked facts regarding possible aiding and abetting, obstruction of justice, and dodging certified mail. In an order on December 22, 2022, the trial court denied the motion. It pointed to Mr. Daniels’s December 16, 2022 acknowledgement that “he had no idea who was causing the problems that were the subject of his complaints in this matter” and noted that Mr. Daniels had “failed to offer any facts as to what the named Defendants allegedly aided or abetted, or how the Defendants have obstructed justice.” Mr. Daniels appealed on January 31, 2023.

II.

This court reviews an order granting a motion to dismiss de novo. *Scott v. FedChoice Fed. Credit Union*, 274 A.3d 318, 322 (D.C. 2022). “In conducting our de novo review, ‘we apply the same standard the trial court was required to apply, accepting the [factual] allegations in the complaint as true and viewing all facts and drawing all reasonable inferences in favor of the plaintiff[].’” *Fraternal Ord. of Police Metro. Police Dep’t Lab. Comm. v. District of Columbia*, 290 A.3d 29, 36 (D.C. 2023) (alterations in original) (quoting *Falconi-Sachs v. LPF Senate Square, LLC*, 142 A.3d 550, 554 (D.C. 2016) (per curiam)).

This court reviews orders denying motions for reconsideration under the abuse of discretion standard. *Perry v. Sera*, 623 A.2d 1210, 1217 (D.C. 1993); *see also Tobin v. John Grotta Co.*, 886 A.2d 87, 90 (D.C. 2005) (per curiam). This review is deferential to the trial court. *Russell v. Call/D, LLC*, 122 A.3d 860, 867 (D.C. 2015). An abuse of discretion occurs where “no valid reason is given or can be discerned” for the trial court’s determination or if “the stated reasons do not rest upon a specific factual predicate.” *Johnson v. United States*, 398 A.2d 354, 364 (D.C. 1979).

In its motion to dismiss, S.O.M.E. argued that Mr. Daniels failed to state a claim, and that there were no properly named defendants. Appellee argues the trial court’s decision on the motion to dismiss was correct because Mr. Daniels’s multiple filings were “incoherent and indecipherable” with varying parties and demands, without identifying “any element of any legally viable claim.” On appeal, Mr. Daniels does not make an argument on this point; instead, he asserts that there is some type of “quid pro quo” at play and adds more vague allegations toward S.O.M.E.

Accepting the factual allegations in the complaint as true and drawing all reasonable inferences in favor of the plaintiff, we do not discern any facts that establish a viable legal claim against S.O.M.E. The U.S. Supreme Court requires that “[f]actual allegations must be enough to raise a right to relief above the speculative level on the assumption that all the allegations in the complaint are true.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citation omitted). In other words, a pleading must contain allegations that point to a legally cognizable right of action, not just create a suspicion of one. *Id.* “To survive a motion to dismiss, 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 *Bell Atl. Corp.*, 550 U.S. at 570)).

Here, while Mr. Daniels raises claims that may be sufficient against others, such as theft, these are not raised sufficiently against S.O.M.E. He alleges only that "Marian's House has become shady," that some of the administrators are breaching their duties by "looking the other way when wrong is taking place," and that there are wrong things ongoing. Those allegations are vague, failing to establish any actual cause of action. That some of the administrators are breaching their duties by "looking the other way when wrong is taking place," is both vague and conclusory. There is no basis for this court, like the trial court, to take any further action. The trial court and this court do not discern a cognizable legal right of action from his complaint.

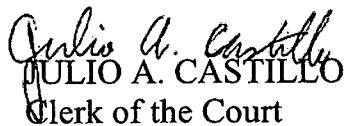
In seeking reconsideration, Mr. Daniels argued that the trial court overlooked facts regarding possible aiding and abetting, obstruction of justice, and dodging certified mail. Mr. Daniels does not appear to raise any argument on appeal regarding the denial of this motion. We agree with the trial court that Mr. Daniels failed to offer any facts as to what S.O.M.E. aided or abetted and how it allegedly obstructed justice. These new allegations, similar to those in his complaints, are vague and conclusory. We cannot conclude that the trial court has abused its discretion in denying the motion for reconsideration.

III.

For the foregoing reasons, the judgment of the trial court is affirmed.

So ordered.

ENTERED BY DIRECTION OF THE COURT:


JULIO A. CASTILLO
Clerk of the Court

Copies emailed to:

Honorable Shana Frost Matini

Director, Civil Division
QMU

Copy e-served to:

William P. Cannon, III, Esquire

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Jeffrey T. Daniels
525 Mellon Street, SE
Apartment 413
Washington DC 2003

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

JEFFREY DANIELS, Plaintiff, v. SO OTHERS MIGHT EAT ORG Defendants.	Case No. 2024 CAB 00805 Judge Juliet J. McKenna CLOSED CASE
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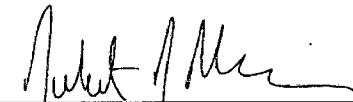
ORDER

Pending before this Court is Plaintiff Jeffrey Daniels' (hereinafter "Plaintiff") Motion for Reconsideration of this Court's February 27, 2024, Order, dismissing Plaintiff's Complaint with prejudice pursuant to D.C. Civil Rule 12(b)(6). In support of his request for reconsideration, Plaintiff asserts "everything I said is true," and cites to 18 U.S.C § 1114, which defines and establishes penalties for the criminal offense of maiming within maritime and territorial jurisdiction. Plaintiff's Motion otherwise again alleges that the clothes he wakes up in have been tampered with "and I am wet like someone been sucking my penis causing me to go to bathroom." *See* Mot. Nothing in Plaintiff's Motion addresses or cures the defects identified in his original Complaint.

WHEREFORE it is this 1st day of March 2024, hereby

ORDERED that Plaintiff's Motion for Reconsideration is **DENIED**.

SO ORDERED.



Juliet J. McKenna, Associate Judge

Copies to:

Jeffrey Daniels, Plaintiff, 525 Mellon Street SE #413, Washington DC 20032
Counsel of Record for Defendant via Odyssey