

## XI. APPENDIX

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 24-5175**

**September Term, 2024**

**1:24-cv-01320-UNA**

**Filed On: July 25, 2025**

Michael Jaffe,

Appellant

v.

Kris Doe, United States Supreme Court  
Clerk,

Appellee

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

**BEFORE: Katsas, Rao, 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 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 June 20, 2024 order dismissing appellant's complaint be affirmed. The district court correctly concluded that appellant's complaint was frivolous. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

either in law or in fact" is frivolous, *Weitzke v. Williams*, 490 U.S. 319, 322 (1989), and the Court cannot exercise subject matter jurisdiction over a frivolous complaint, *Hagan v. Lavine*, 412 U.S. 238, 236-37 (1974) ("Over the years, this Court has repeatedly held that the 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.") (quoting *Newburyport Water Co. v. Newburyport*, 193 U.S. 261, 279 (1904)); *Toohey v. Napolitano*, 286 F.3d 1006, 1010 (D.C. Cir. 2009) (examining cases dismissed "for patent insubstantiality," including where plaintiff allegedly "was subjected to a campaign of surveillance and harassment deriving from uncertain origins"). Consequently, the Court is obligated to dismiss a complaint as frivolous "when the facts alleged rise to the level of the irrational or the wholly incredible," *Denton v. Hernandez*, 204 U.S. 22, 33 (1902), or "postulate[s] events and circumstances of a wholly fanciful kind," *Crisdy v. Holland*, 622 F.2d 1302, 1307-08 (D.C. Cir. 1981). The instant complaint satisfies this

standard and, therefore, it will be dismissed.

A separate order will issue.

TIMOTHY J. KELLY  
United States District Judge

DATE: June 20, 2024

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 24-5175****September Term, 2024****1:24-cv-01320-UNA****Filed On: September 2, 2025**

Michael Jaffe,

Appellant

v.

Kris Doe, United States Supreme Court  
Clerk,

Appellee

**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**ORDERED** that the petition be denied.**Per Curiam****FOR THE COURT:**

Clifton B. Cislak, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk