

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-5365**September Term, 2013****1:12-cv-01916-ABJ****Filed On:** June 19, 2014

Bret D. Landrith and Samuel K. Lipari,
Appellants

v.

John G. Roberts, Jr., Chief Justice of the
United States - in his official capacity as head
of the Judicial Conference of the United
States,
Appellee

BEFORE: Rogers, Brown, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motion to dispense with an appendix; the motion for summary affirmance, the response thereto, and the reply; and the motion for summary reversal, the response thereto, and the reply, it is

ORDERED that the motion for summary affirmance be granted and the motion for summary reversal be denied. 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 correctly determined that counts I and II of appellants' first amended complaint failed to demonstrate an injury fairly traceable to appellee's conduct, or likely to be redressed by a favorable decision, see Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992), and appellants have not challenged the dismissal of count III as moot. In addition, appellants have failed to demonstrate the district court abused its discretion in denying their motion for leave to file a second amended complaint, see In re Interbank Funding Corp. Sec. Litig., 629 F.3d 213, 218 (D.C. Cir. 2010) ("[A] district court may properly deny a motion to amend if the amended pleading would not survive a motion to dismiss."), or in denying their motion for sanctions against appellee and his counsel, see generally Lucas v. Duncan, 574 F.3d 772, 775 (D.C. Cir. 2009) (district court's Rule 11 determinations are reviewed for abuse of discretion). It is

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FURTHER ORDERED that the motion to dispense with an appendix be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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