

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 99-7246

September Term, 2000

97cv02857

Filed On: September 21, 2000^[545292]

Melvin M. Marin,
Appellant

v.

Donald Larson, in his personal capacity, Finance
Office, et al.,
Appellees

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

BEFORE: Ginsburg, Sentelle, and Henderson, 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 briefs filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See Fed. R. App. P. 36; D.C. Cir. Rule 36(b). It is

ORDERED AND ADJUDGED that the district court's judgment filed March 31, 1999, be affirmed. Appellant asserts that the district court should have allowed him to amend his complaint to cure jurisdictional defects. However, "[a]s appellant[] did not properly request leave to amend ... , it could hardly have been an abuse of discretion for the District Court not to have afforded [him] such leave sua sponte." Confederate Memorial Association, Inc. v. Hines, 995 F.2d 295, 299 (D.C. Cir. 1993). Nor did the district court abuse its discretion in declining to transfer the case to California. See, e.g., McFarlane v. Esquire Magazine, 74 F.3d 1296, 1301 (D.C. Cir. 1996).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition 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